Independent Communications Authority of South Africa
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I-INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

LE MANUWALI IKHISHWE NGOKWESIGABA 14 SOMTHETHO WOKUGQUGQUZELA UKUTHOLAKALA KOLWAZI UMTHETHO 2 KA 2000

ISAZISO

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IREKHODI LOKUGUNYAZA INQUBOMGOMO		
		Igunyazwe Umkhandlu
Igama nesikhundla	Usihlalo Oyibamba uKhansela Katharina Pillay	
Isiginesha		
Usuku		

1. **ISANDULELO NENHLOSO YEMANUWALI**

1.1 Le manuwali (**iManuwali**) ididiyelwe ngokoMthetho Wokugqugquzela Ukutholakala Kolwazi 2 ka 2000 (**uMthetho**). I-Independent Communications Authority of South Africa (**uPhiko**) luwuhlaka lomphakathi oluchazwe kuMthetho, futhi le Manuwali iqukethe ulwazi olucaciswe kusigaba 14(1) soMthetho, osebenza ezinhlakeni zikahulumeni zalolu hlobo. Lolu lwazi lumi kanje –

1.1.1 incazelo ngomumo kanye nokusebenza koPhiko;

1.1.2 Ikheli leposi kanye nele ndawo, inombolo yocingo neyefeksi kanye, uma likhona, nekheli le-imeyli loMgcinilwazi woPhiko kanye nawabo bonke Abagcinilwazi abaqokwe ngokwesigaba 17(1) soMthetho;

1.1.3 incazelo yomhlahlandlela ochazwe kusigaba 10 soMthetho;

1.1.4 isaziso sakamuva esishicilelwe uNgqongqoshe Wezobulungiswa Nokuthuthukiswa KoMthethosisekelo isigaba 15(2) soMthetho;

1.1.5 incazelo ngezihloko zamarekhodi agcinwe uPhiko kanye nezigaba zamarekhodi agciniwe ngesihloko ngasinye kubhekwe ukuthi ngabe sinemininingwane eyanelisa ukulawula isicelo sokuthola irekhodi;

1.1.6 incazelo ngemisebenzi evulelekele amalungu omphakathi oPhikweni kanye nendlela yokufinyelela kuleyo misebenzi;

1.1.7 incazelo nganoma oluphi uhlelo noma izinhlinzeko ezisebenzayo zomuntu ngokubonisana, ukwenza izethulo noma okunye, ukuzibandakanya noma ukuba

negalelo ekusungulweni kwenqubomgomo noma ekusetshenzisweni kwamandla noma ukwenziwa komsebenzi oPhikweni;

1.1.8 incazelo yezindlela zokungenelela ezikhona eziphathelene nokwenza noma ukwehleka ukwenza okuthile koPhiko; kanye

1.1.9 nanoma omuphi omunye umthetho ochazwe imithethonqubo.

1.2 Imanuwali izobuyekezwa njalo ngokulandela izidingo zesigaba 14(2) soMthetho.

1.3 NgokoMthetho, kulindeleke ukuthi le Manuwali iphumelelise ilungelo elingokomthethosisekelo lokuthola ulwazi olugcinwe uHulumeni kanye nolwazi olugcinwe yinoma omuphi umuntu ukuze kusetshenziswe noma kuvikelwe noma eliphi ilungelo.

1.4 Le Manuwali ihlose ukuhlinzeka ngemihlahlandlela elula nebanzi ezosiza umfakisicelo ukuze athole amarekhodi okufanele awathole ngendlela esheshayo, elula nokufinyelelekayo kuyo kube kuqhutshezelwa umbono, impokophelo kanye nezimiso zoPhiko ngendlela elandelayo –

1.4.1 Umbono – ukuqhubezela ukwakhiwa komphakathi osebenzisa ezobuchwepheshe;

1.4.2 Impokophelo – ukuqinisekisa ukuthi bonke abantu baseNingizimu Afrika bakwazi ukuthola imisebenzi yezokuxhumana eseqophelweni eliphezulu ngamanani angambi eqolo;

1.4.3 Izimiso – lokho okugqugquzela uPhiko uma lusungula izimiso. Lokhu kungamasu atholakala oPhikweni nolwahlulelwa ngawo. Yonke imisebenzi yoPhiko yokulawula yakhelwe ezimisweni ezinhlanu

ezimqoka ezilandelayo -

1.4.3.1 Imibono emisha – ukuzimisela ukusungula izindlela nezisombululo ezintsha engasebenza; nokuthola izindlela ezintsha nezingcono zokusebenzisa izisombululo eziphuma phambili zokuhlangabezana nezidingo zababambiqhaza;

1.4.3.2 Ukuhlanganyela – ukuqeda ukusebenza komuntu ngayedwana ngokuqhamuka nendlela yokucabanga eyenza umsebenzi wethu uhambisane nombono kanye nesu lesikhungo; futhi kube nokusebenzisana ngaphakathi ukuze kusheshe indlela yokusebenza kwesikhungo;

1.4.3.3 Isibopho Sokuphendula – ukwenza imisebenzi yansukuzonke ngendlela yokuhamba phambili; nokuthwala ijoka eligcwele ngomsebenzi esiwenza ngokuhlanganyela nabanye;

1.4.3.4 Ukuqhutshwa imiphumela – ukuthola imiphumela eseqophelweni eliphezulu ehambisana nemigomo yesikhungo; nokuqeqesha nokuhlola umsebenzi wethu ngokubheka imigomo, kanye nokuhlonza izindawo (ukuqinisekisa ukuthi umsebenzi "awuweli ophathe");

1.4.3.5 Ukugxila Kubabambiqhaza – ukwenza imisebenzi yethu sibeke ababambiqhaza emqondweni. Ababambiqhaza bahamba phambili kulokho esikwenzayo futhi siyakwamukela abakushoyo ukuze kube nobudlelwano obuqhubekayo nobuyimpumelelo.

2. **UMSEBENZI WE-ICASA**

2.1 Lolu wuPhiko olulawulayo kwezokusakazela, imisebenzi yeposi nomkhakha wezokuxhumana ngogesi eNingizimu Afrika.

2.2 Isigaba 192 soMthethosisekelo waseNingizimu Afrika, 1996 (**uMthethosisekelo**) uyalela iPhalamende ukuthi "lisungule uphiko oluzimele oluzolawula ezokusakazela okuzosiza umphakathi, futhi kuqinisekise ukuthi kuvezwa imibono elungile nenhlobonhlobo emele uMphakathi waseNingizimu Afrika". Iphalamende libone kufanele ukuthi kungezelwe ukulawulwa kokuxhumana ngogesi, imisebenzi yeposi kanye nezindlela zokuhweba ngogesi ukuthi kubhekelelwe uPhiko njengesikhungo esilawulayo ngokulandela isigaba 192 soMthethosisekelo.

2.3 UPhiko lwasungulwa ngokwesigaba 3 soMthetho we-Independent Communications Authority of South Africa 13 ka 2000 (**uMthetho we-ICASA**). Umsebenzi woPhiko ukulawula ukusakazela, imisebenzi yeposi kanye nezokuxhumana ngogesi eNingizimu Afrika futhi uqukethwe emithethweni elandelayo –

2.3.1 UMthetho we-ICASA;

2.3.2 UMthetho Wezokuxhumana Ngogesi 35 ka 2005, njengoba uchitshiyelwe (**uMthetho Wezokuxhumana Ngogesi**);

2.3.3 UMthetho Wezokusakazela 4 ka 1999 (**uMthetho Wezokusakazela**); kanye

2.3.4 UMthetho Wemisebenzi Yeposi 24 ka 1998 (**uMthetho Wemisebenzi Yeposi**),

ukuze kulawulwe imikhakha yezokuxhumana ngogesi, nezokusakazela kanye neyemisebenzi yeposi ukuze kusizakale umphakathi.

Phezu kwalokho, i-ICASA ingena ngaphansi kohlelo 1 loMthetho Wezimali Zomphakathi 1 ka 1999 (i-PFMA) futhi iwuhlaka lukahulumeni, olulawulwa uSomqulu Wamalungelo.

2.4 Umthetho olawula uPhiko ulinika amandla – okugunyaza amalayisense; ukuqapha ukuthi abehlinzeka ngamalayisense balandela imogomo nemibandela; basungule imithethonqubo kanye nemibhalo yezinqubomigomo yezinhlaka ezintathu; ukuhlela nokuphatha iziteshi zemisakazo; nokuvikela abasebenzisi bale misebenzi.

2.5 UPhiko lunehhovisi elikuzwelonke eliseGauteng kanye namahhovisi ezifunda amaningana.

2.6 Amakhansela e-ICASA aqokwa ngokwenqubo yomphakathi yasephalamende ebhalwe kuMthetho we-ICASA. USihlalo uba kulesi sikhundla iminyaka emihlanu, kube Amakhansela ebekelwa iminyaka emine. Amalungu oPhiko kanye namaKhansela alo ayatholakala kwiwebhusayithi yalo. Isithombe esigcwele somumo wophiko sitholakala ekhasini lesi-8 kule Manuwali.

2.7 UPhiko luqoka amalungu alo namakhansela ekomidi lalo elilawulayo. UPhiko lunamakomidi alawulayo namalungu alandelayo -

Ikomidi	**Isibalo Samalungu**
Elocwaningo Nokuyingcuphe	5
Ezabasebenzi Nomholo	4
Ukubuyekezwa Kolwazi Lwezobuchwepheshe	2
Ikomidi Lezikhalo Nokulandelwa Kwezimiso	7

3. IMININGWANE YEZIKHULU ZOLWAZI EZIYIMAPHINI

3.1 Isikhulu Esiphezulu soPhiko uPakamile Kayalethu Pongwana.

3.2 UPakamile Kayalethu Pongwana uwumgcinilwazi woPhiko ngowezinhloso zoMthetho futhi udlulisele amandla nemisebenzi yakhe ngokwesigaba 17(3) soMthetho, kuWillington Ngwepe, oyiSikhulu Sokuqhutshwa Kwemisebenzi.

3.3 UWillington Ngwepe uyiPhini Lomgcinilwazi woPhiko ngokwenzinhloso zoMthetho.

3.4 Phezu kwalokho, uMgcinilwazi uqoke Amaphini Abagcinilwazi esifundeni ngasinye, esizobhekana nesicelo solwazi ngasinye ukuze abhekane nolwazi oluthile, kanye nePhini loMgcinilwazi Odidiyelayo kuZwelonke elinomsebenzi wokurekhoda nokuphatha zonke izicelo zolwazi ukuze abafaka izicelo zamarekhodi bakwazi ukuwathola kuPhiko, njengoba kuhlongozwe kusigaba 17(1) soMthetho.

3.5 Uma kufakwa isicelo solwazi ngokoMthetho, kumele isicelo siqondiswe kuPhini Lomgcinilwazi Lesifunda Elifanele njengoba kubhalwe endimeni 3.5.4 ngezansi. Nokho, uma umfakisicelo efisa ukuxhumana nePhini Lomgcinilwazi Elididiyelayo kuZwelonke ukuze athole ulwazi ngoMthetho, kucelwa ukuthi asebenzise imininingwane engezansi endimeni 3.5.2 no 3.5.3. Imininingwane yokuxhumana efanele imi kanje -

3.5.1 **Umgcinilwazi**

Igama	**Umyango/ Isifunda**	**Inombolo yocingo/yefeksi**	**I-imeyli**
UPakamile Pongwana	Enhlokohhovisi	Ucingo +2711 566 3085 Ifeksi +2711 566 3086	PAIA@icasa.org.za

3.5.2 **Iphini Lomgcinilwazi**

Igama	**Umyango/ Isifunda**	**Inombolo yocingo/yefeksi**	**I-imeyli**

UWillington Ngwepe	Enhlokohhovisi	Ucingo +2711 566 3013 Ifeksi +2711 566 3014	COO@icasa.org.za

3.5.3 **IPhini Lomgcinilwazi Elididiyelayo kuZwelonke**

Igama	**Umyango/Isifunda**	**Inombolo yocingo/yefeksi**	**I-imeyli**
ULeona Mentz	Enhlokohhovisi	Ucingo +2711 566 3591 Ifeksi +27 11 566 3592	PAIA@icasa.org.za

3.5.4 **Amaphini Ezikhulu Zolwazi Ezifunda**

Igama	**Umyango/Isifunda**	**Inombolo yocingo/yefeksi**	**I-imeyli**
U-Anele Nomtshongwana	Umphathi Omkhulu Wezifunda	Ucingo +2711 566 3089 Ifeksi+2711 566 3090	PAIAregions@icasa.org.za
UDerrac Matthew	EBloemfontein	Ucingo +2751 411 5901 Ifeksi +2751 411 5902	PAIAregions@icasa.org.za
UDesmond Johns	EKapa	Ucingo +2721 561 6803 Ifeksi+2721 561 6804	PAIAregions@icasa.org.za
UNsizwa Gumede	EThekwini	Ucingo +2731 334 9514 Ifeksi+2731 334 9513	PAIAregions@icasa.org.za
U-Anele Nomtshongwana	ENelspruit	Ucingo +2711 566 3089 Ifeksi +2711 566 3090	PAIAregions@icasa.org.za
UMarcel Holster	EBhayi	Ucingo +2741 394 1601 Ifeksi +2741 394 1602	PAIAregions@icasa.org.za

4. ISICELO SOLWAZI

4.1 Isicelo solwazi singafakwa nge-inthanethi noma, ungakhetha

ukusebenzisa izindlela ezilandelayo -

4.1.1 ukuphrinta ifomu lesicelo esigcwele (iFomu A) elitholakala ekhasini le-inthanethi loPhiko noma elingacelwa kumaPhini Ezikhulu Zolwazi Ezifunda;

4.1.2 ukugcwalisa zonke izigaba zefomu lesicelo, noma ukubhala kabusha imininingwane nge-imeyli eseceleni; kanye

4.1.3 nangokuthumela isicelo esigcwele solwazi kwelinye lamakheli asohlwini olungezansi –

Ikheli Leposi	**Ikheli Lendawo**
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I-imeyli	Ucingo neFeksi
PAIA@icasa.org.za	Iqondiswe kuPhini Lomgcinilwazi Elididiyelayo kuZwelonke The Independent Communications Authority of South Africa Ucingo 011 566 3007 Ifeksi 011 566 3008

4.2 UPhiko luzophendula, ngokwendima 4.3, ezinsukwini eyingama-30 ngokuthi ngabe ulwazi oluceliwe –

4.2.1 luyatholakala; futhi

4.2.2 kanjani nokuthi umfakisicelo angalulanda kuphi.

4.3 Isikhathi esibekelwe uPhiko sokuphendula singangezelwa kanye ngezinye izinsuku ezingama-30 uma kunesidingo ngokulandela isigaba 26 soMthetho.

4.4 Uma uPhiko lungeza isikhathi sokuphendula ngokwesigaba 26 soMthetho, kuyodingeka ukuthi luqinisekise ngokusemandleni, kodwa zingakapheli izinsuku ezingama-30 kufakwe isicelo, ukuthi lazisa umfakisicelo ngalokhu –

4.4.1 isikhathi sokwengezela;

4.4.2 izizathu ezigculisayo ngokwengezela; kanye

4.4.3 nangelungelo lomfakisicelo lokudlulisa isinqumo ngaphakathi noma ngesicelo esifakwa enkantolo, uma liphikisana ngokwengezelwa kwesikhathi, kanye nangenqubo yokudlulisa isinqumo noma yokufaka isicelo sokudlulisa isinqumo.

4.5 Kwezinye izinkathi, kungase kudingeke ukuthi umfakisicelo akhokhele uPhiko, ngaphambi kokuba ahlinzekwe ngolwazi alucelile, njengoba kubhalwe endimeni 8 yale Manuwali.

5. UMHLAHLANDLELA WOKUSEBENZISA UMTHETHO

5.1 Ikhomishana Yamalungelo Abantu YaseNingizimu Afrika (i-**SAHRC**), ngokwesigaba 10 soMthetho, ishicilele uMhlahlandlela ozosiza abantu abafisa ukusebenzisa noma eliphi ilungelo ngokoMthetho.

5.2 UMhlahlandlela ungatholakala ku-SAHRC.

5.3 Noma ubani ofisa ukuthola uMhlahlandlela angawuthola kuwebhusayithi ye-SAHRC ku-www.sahrc.org.za noma ungayithinta ngemininingwane elandelayo -

SAHRC: PAIA UNIT

Research and Documentation Department
South African Human Rights Commission
Ikheli leposi:
Private Bag x 2700
Houghton
2041
Ucingo: (011) 877 3803
Ifeksi: (011) 403 0625
I-imeyli: paia@sahrc.org.za

6. INDLELA YOKUCELA UKUTHOLA ULWAZI OLUGCINWE UPHIKO

Kumele kulandelwe izigaba ezilandelayo ngaphambi kokufaka isicelo -

6.1 Isigaba 1: Ngabe umfakisicelo ufanelekile ukusebenzisa uMthetho ukuze acele ukuthola ulwazi?

6.1.1 Izicelo zamarekhodi ngenhloso yokuqulwa kwamacala ezobugebengu noma emibango

Isigaba 7 (1) soMthetho sithi -

"UMthetho awuphathelene nerekhodi lezinhlaka zomphakathi noma ezizimele uma -
(a) Lelo rekhodi licelelwe ukusetshenziselwa izinqubo zokuqulwa kwamacala ezobugebengu noma ezemibango;
(b) Ukuze umfakisicelo emuva kokuqalisa inqubo yokuqulwa kwamacala ezobugebengu noma ezemibango, noma ngabe okuphi okusebenzayo;
(c) Ukukhiqizwa noma ukutholakala kwalelo rekhodi ngezinhloso ezibhalwe endimeni (a) kuhlinzekwe emthethweni".

6.1.1.1 Uma isigaba 7 (1) sisebenza, umfakisicelo angafaka isicelo ngokoMthetho futhi kuyodingeka ukuthi asebenzise imithetho nezinqubo zokutholakala kolwazi lwezinqubo zokuqulwa kwamacala kwezomthetho umfakisicelo abandakanyeka kukho.

6.1.1.2 UPhiko lunelungelo lokucela inkokhelo ngezindleko noma amanye amademeshe adaleke ngenxa yokuba kufakwe isicelo sokuthola ulwazi ngokwesigaba 7(1).

6.1.2 Ukufakwa kwezicelo kugangwa noma kukhohlakalwa, noma ukusetshenziswa kwezinye izinsiza ezeqe kwezilindelekile

6.1.3 Isigaba 45 soMthetho sithi –

"UMgcinilwazi [woPhiko] angasichitha isicelo sokuthola irekhodi [loPhiko] uma -

(a) isicelo sibonakala sifakwe ngoba kugangwa noma kukhohlakalwa; noma

(b) "umsebenzi obandakanyekayo ekuqhutshweni kwesicelo ungase uthikameze ukusetshenziswa kwezinsiza [zoPhiko]."

6.2 **Isigaba 2: Ngabe isicelo solwazi singatholakala ngerekhodi?**

6.2.1 UMthetho usebenza kumarekhodi asuka ekhona ngesikhathi uPhiko luthola isicelo.

6.2.2 UMthetho awuphoqi muntu ukuthi akhe amarekhodi angakabi khona ngesikhathi kufakwa isicelo. Njengokuthi, uMthetho ungesetshenziselwe ukuthola izizathu zokuthi kungani uPhiko luthathe isinqumo esithile uma lezo zizathu zingabhaliwe zaba irekhodi.

6.2.3 Uma umfakisicelo engenaso isiqiniseko ngalawo marekhodi, umfakisicelo kumele akucacise lokho efomini lesicelo.

6.3 **Isigaba 3: Ngabe irekhodi ligcinwe noma lilawulwa i-ICASA?**

6.3.1 Isigaba 4 soMthetho sihlinzeka ngokuthi irekhodi

elicelwayo kumele lise ligciniwe noma lilawulwa uPhiko.

6.3.2 Ngokwezinhloso zoMthetho, irekhodi eligcinwe noma elilawulwa –

6.3.2.1 umsebenzi woPhiko esikhundleni sakho; noma

6.3.2.2 inkampani ezimele esebenzisana noPhiko ngokomsebenzi oqhutshwa yileyo nkontileka,

Kuthathwa ngokuthi uhlaka lomphakathi.

6.4 **Isigaba 4: Ubani ongafaka isicelo ngokweSahluko 2 noma 3 soMthetho?**

Noma ubani ngaphandle kohlaka lukahulumeni noma umsebenzi woPhiko angafaka isicelo sokuthola irekhodi oPhikweni.

6.5 **Isigaba 5: Ifomu Lesicelo Elimisiwe**

6.5.1 Ngokwesigaba 11 soMthetho, umfakisicelo kumele afake isicelo sokuthola irekhodi efomini elimisiwe elitholakala kuMithethonqubo Ephathelene Nokugqugquzela Ukutholakala Kolwazi (iFomu A – elinanyathiselwe kule Manuwali, njengeSithasiselo 1) okumele lithunyelwe kuPhini Lomgcinilwazi Lesifunda njengomuntu wokuqala okuxhunyanwa naye bese emuva kwalokho uMgcinilwazi noma iPhini Lomgcinilwazi ngesandla, ngeposi, ngefeksi noma nge-imeyli, njengoba kucaciswe endimeni 3.

6.5.2 isicelo kumele sihlinzeke ngemininingwane eyanele emiswe kwifomu ukuze uPhiko lukwazi ukuhlonza irekhodi noma amarekhodi aceliwe kanye nomazisi womfakisicelo.

6.5.3 Noma ubani ofisa ukwethula ulwazi ngokusebenzisa ifomu lesicelo eliyi-*MS Word*, angathumela i-imeyli kuPhini Lomgcinilwazi Lwesifunda njengomuntu

wokuqala othintwayo bese emuva kwalokho uMgcinilwazi noma iPhini likaMgcinilwazi ecele ukuthi ikhophi ithunyelelwe umfakisicelo nge-imeyli.

6.5.4 Uma isicelo sifakelwa omunye umuntu, umfakisicelo kumele athule ubufakazi bokuthi usifakelani isicelo, ngendlela ezokwanelisa iPhini Lomgcinilwazi Wesifunda njengomuntu wokuqala ongamuthinta, bese emuva kwalokho uMgcinilwazi noma iPhini loMgcinilwazi. Umfakisicelo kudingeka nokuthi aveze ukuthi irekhodi ufisa ukulithola ngeyiphi indlela, futhi ahlinzeke ngemininingwane yokuxhumana naye eNingizimu Afrika.

6.5.5 Uma sekugcwaliswa iFomu A, umfakisicelo kumele alandele izinqubo ezimiswe uMthetho eziphathelene nesicelo sokuthola amarekhodi afanele.

6.5.6 Uma umfakisicelo engafundile noma ekhubazekile ngeke akwazi ukufaka isicelo ngendlela emisiwe lapho-ke kuyidingeka ukuthi isicelo sifakwe ngomlomo ngokusebenzisa ucingo noma ngokuziyela ngqo emahhovisi oPhiko. IPhini loMgcinilwazi elithintwa kuqala, bese emuva kwalokho uMgcinilwazi noma uMgcinimafa Wesifunda angabe esebhala phansi okushiwoyo futhi enze ikhophi azoyinika umfakisicelo.

7. UKUCUBUNGULA ISICELO

7.1 Kuncike ezinhlinzekweni zoMthetho, kuzohlinzekwa ngamarekhodi acelwe oPhikweni uma -

7.1.1 zonke izidingo zenqubo ezihlinzekwe kuMthetho eziphathelene nesicelo kumele zigcwaliswe; futhi

7.1.2 isicelo sokutholakala kolwazi singachithwa ngokwemigomo emiwe eMthethweni.

7.2 UPhiko lungase, futhi ezimweni ezithile kumele, lenqabe ukuhlinzeka ngamarekhodi ngokwanoma emiphi imibandela ebhalwe kuSahluko 4 iNgxenye 2 yoMthetho. Le mibandela ibandakanya ukuthi –

7.2.1 ukutholakala kolwazi kungase kuholele ekudaluleni ulwazi oluphathelene nomuntu ngqo olungafanele oluphathelene nomuntu ongaphandle;

7.2.2 irekhodi liqukethe ulwazi olwalutholwe noma olugcinwe i-South African Revenue Service ngezinhloso zokuphoqelela umthetho;

7.2.3 kunesidingo sokuvikela ulwazi lwezezimali lwabantu abangaphandle;

7.2.4 kunesidingo sokuvikela ulwazi oluyimfihlo lwabantu abangaphandle;

7.2.5 kunesidingo sokuvikela ukuphepha kwabantu noma impahla;

7.2.6 irekhodi liwulwazi lwabantu abakhethekile oluzosetshenziselwa amadokhethi amaphoyisa enqubo yebheyili, abaphoqeleli bemithetho kanye nenqubo yezomthetho;

7.2.7 irekhodi lingase libeke engcupheni ezokuvikeleka, ezokuphepha noma ezobudlelwane namazwe angaphandle neNingizimu Afrika;

7.2.8 irekhodi lingase lilimaze noma libeke ezomnotho noma ezezimali zaseNingizimu Afrika engcupheni;

7.2.9 kunesidingo sokuvikela ulwazi locwaningo lomuntu ongaphandle noma uPhiko uqobo; kanye

7.2.10 ukufakwa kwezicelo kugangwa noma kukhohlakalwa, noma ukusetshenziswa kwezinye izinsiza ezeqe

kwezilindelekile

7.3 Ukutholakala kwemibhalo kungase kuchithwe ngenxa yokuthi lolo lwazi lungolwabantu abakhethekile.

7.4 Uma zonke izinyathelo ezifanele zilandeliwe ukuze kutholakale irekhodi elicelwe umfakisicelo, futhi kunezizathu ezanele zokukholwa ukuthi irekhodi ligcinwe uPhiko aluzokwazi ukutholakala, noma alikaze libe khona, iPhini Lomgcinilwazi Wesifunda njengomuntu wokuqala othintwayo emuva kwalokho uMgcinilwazi noma iPhini Lomgcinilwazi bayokwazisa umfakisicelo nge-afidavithi noma incwadi eyisiqinisikiso ukuthi ayikho indlela yokutholakala kwerekhodi.

7.5 UPhiko kudingeka ukuthi lazise umfakisicelo ngesinqumo salo ngokubhaliwe. Uma umfakisicelo efisa ukwaziwa ngesinqumo soPhiko ngenye indlela, lokhu kumele kubhalwe esicelweni futhi kubandakanywe imininingwane efanele, ukuze uPhiko lukwazi ukwazisa umfakisicelo ngendlela akhetha ukwaziswa ngayo.

7.6 UPhiko luyothatha isinqumo ngokutholakala kwamarekhodi ezinsukwini ezingama-30 isicelo samukelwe, ngaphandle uma kudingeka ukuthi kwaziswe abantu abangaphandle lapho kuyodingeka ukuthi isicelo selulwe ngezinsuku ezingama-30 njengoba kuhlinzekwe kuMthetho. UPhiko luyokwazisa umfakisicelo uma isikhathi sezinsuku ezingama-30 sokuqhuba isicelo seluliwe.

8. UKUKHOKHELWA KWEZINDLEKO

8.1 Ngokwezinhlinzeko ezilandelayo zale ndima yesi-8, uma kushiwo ‘umfakisicelo’ akabandakanywa ‘umfakisicelo ocela ulwazi oluqondene naye’ njengoba kuchazwe kuMthetho ngokuthi “umfakisicelo ecela ukuthola amarekhodi aqukethe ulwazi oluqondene ngqo nomfakisicelo” .

8.2 Umfakisicelo kumele akhokhe izindleko zokufaka isicelo ezingama-R35.00. Izindleko zokufaka isicelo zingakhokhwa ngesikhathi kufakwa isicelo, noma umuntu ogunyazwe ukuthi abhekane naleso sicelo egameni loPhiko angazisa umfakisicelo ukuthi kumele akhokhe izindleko zokufaka isicelo ngaphambi kokuba kuqhutshekwe nesicelo sakhe.

8.3 Umfakisicelo angafaka isicelo eNkantolo ePhakeme ukuze akhululwe ekukhokheni izindleko zokufaka isicelo.

8.4 Lapho isicelo sokuthola irekhodi eligcinwe uPhiko siphumelele, umfakisicelo kufanele akhokhele nezindleko zokukhiqizwa kabusha kwerekhodi noma amarekhodi, nokuthungathwa kwalo kanye nokulungiswa kwalo ukuze lilungele ukudalulwa. UPhiko lunelungelo lokugodla irekhodi kuze kukhokhwe izindleko zokutholakala kwalo. Izindleko zokutholakala kwalo ezikhokhwayo zisohlwini olukuSithasiselo 2.

8.5 Phezu kwalokho, uma ukuthungathwa nokulungiswa kwerekhodi noma amarekhodi aceliwe kuthathe isikhathi esingaphezu kwamahora ayisithupha, uPhiko lungakhokhisa ama-R15.00 ngehora ngalinye noma ingxenye yalo elidingekayo ukuze kuthungathwe noma kulungiswe amarekhodi.

8.6 Uma uPhiko lubona ukuthi ukuthungathwa nokulungiswa kwamarekhodi aceliwe kuzodinga isikhathi esingaphezu kwamahora ayisithupha, uPhiko lunelungelo lokucela imali eyisibambiso eyingxenye eyodwa kokuthathu yezindleko ezizokhokhelwa ukuthola amarekhodi acelwe umfakisicelo. Umfakisicelo angafaka isicelo eNkantolo ePhakeme sokukhululwa ekukhokheni le mali eyisibambiso. Uma imali eyisibambiso ikhokhwa bese kunqatshwe ukuthi umfakisicelo athole amarekhodi, imali eyisibambiso izobe seyibuyiselwa kumfakisicelo.

8.7 Yonke imali ekhokhwayo kumele ikhokhwe ngendlela

Yokudluliswa Kwemali Ngogesi ibhekiswe kuMnyango Wezezimali WoPhiko noma ngokheshi ozofaka ku-akhawunti yasebhange yoPhiko ehlinzekwe ngezansi.

Ibhange:	Nedbank
Inombolo Ye-akhawunti:	1462001300
Ikhodi Yegatsha:	146245(Corporate Client Services)
Igatsha:	Pretoria
Uhlobo Lwe-akhawunti:	Current
Inkomba:	Njengoba ihlinzekwe uPhiko Lwe-PAIA

8.8 Ubufakazi bokuthi kukhokhiwe kumele buthunyelwe KuPhini Lomgcinimafa ngokusebenzisa imininingwane yokuxhumana engenhla.

9. UKUTHOLAKALA KWAMAREKHODI

Imininingwane engezansi ibandakanya incazelo yezihloko ezigcinwe uPhiko kanye nezigaba zamarekhodi angena ngaphansi kwazo ukuze kulawulwe isicelo ngokoMthetho. Le minininingwane ayibalwanga yonke futhi ingase ichitshiyelwe ngezikhathi ezithile. Amarekhodi asohlwini olungezansi ngeke ehlale ecelwa umfakisicelo ngokoMthetho. Ngamanye amazwi, amarekhodi agcinwe ngaphansi kwezihloko ezithile akatholakali ngokuzenzakalela futhi ukutholakala kwamarekhodi kunike kuhlobo lolwazi oluqukethwe kulelo rekhodi.

9.1 Inqubo yendlela amarekhodi angacelwa ngayo oPhikweni ibhaliwe ngezansi. Amarekhodi Agcinwe uPhiko, angatholakala ngokuzenzakalela ngokwesigaba 15(1)(a) soMthetho.

9.1.1 Azikho izaziso eziphathelene noPhiko ezashicilelwe uNgqongqoshe ngokwesigaba 15(2) soMthetho.

9.1.2 Amanye amarekhodi atholakala ngaphandle kwesidingo sokuwacela ngokwezinqubo ezibhalwe kuMthetho ezibhalwe ngezansi. Lo lwazi lungahlolwa, luqoqwe, luthengwe noma lukopishwe (ngenani elimiselwe

ukukhiqiza kabusha) emahhovisi oPhiko, futhi kusazoba nesidingo sokuthi kuhlelwe isikhathi sokubonana noMgcinilwazi noma amaPhini oMgcinilwazi. Olunye ulwazi luyatholakala nakuwebhusayithi www.icasa.org.za. Amarekhodi abandakanya –

9.1.2.1 Ulwazi oluqukethwe kuwebhusayithi ye-ICASA lubandakanya –

9.1.2.1.1 umthetho ophathelene nokusakazela, ezokuxhumana ngocingo kanye nemisebenzi yezokuposa,

9.1.2.1.2 izinqumo zithathwa uPhiko,

9.1.2.1.3 Izizathu zezinqumo ezithathwe uPhiko, kanye

9.1.2.1.4 nemibhalo etholakala kumathenda kanye nombhalo wokufaka isicelo sokuthola umsebenzi;

9.1.2.2 Izincwajana zolwazi;

9.1.2.3 Amaphepha olwazi;

9.1.2.4 Amaphepha Anamekwayo;

9.1.2.5 Amaphephandaba;

9.1.2.6 Amafomu

9.1.2.7 Amanye amaphepha aphathelene nezokwazisa nezolwazi eziphathelene nemisebenzi nokusebenza koPhiko;

9.1.2.8 Ukuphendula enkantolo (emuva kokuqulwa kwecala);

9.1.2.9 Imiyalelo Yenkantolo;

9.1.2.10 Izahluleko;

9.1.2.11 Izinhlelo ezenziwe ngokubheka isu lesiKhungo, kane

9.1.2.12 Nemibiko eseqophelweni eliphambili, Imibiko Yonyaka (Ezezimali: Ukubika).

9.2 Amarekhodi angacelwa ngokwesigaba 14(1)(d) soMthetho.

9.2.1 UPhiko oluphethe ulwazi olungcono kakhulu kuzigaba futhi izigaba okumele zicelwe ngokugcwele ngokweSigaba soMthetho.

9.2.2 Ukubandakanywa kwanoma eziphi izihloko noma isigaba kumele kuthathwe njengophawu lokuthi amarekhodi akulezo zihloko kanye/noma izigaba ezizohlinzekwa ngaphansi koMthetho. Empeleni, eminye imigomo yowenqaba ukuhlinzeka ngolwazi emiswe eMthethweni ingase isebenze esicelweni salelo rekhodi.

9.2.3 Kumele kufakwe izicelo ezigcwele oPhikweni uma kucelwa okusezigabeni ezilandelayo –

Izigaba zamarekhodi	Incazelo yamarekhodi agciniwe
Ihhovisi Lesikhulu Esiphezulu	☐ Ulwazi Lokuphathwa Kwenkampani ☐ Izinqubomigomo zesikhungo kanye nezinqubo ☐ Imibuzo Yasephalamende ☐ Ukudluliswa Kwezikhundla ☐ Imibiko yonyaka ye-ICASA ☐ Izivumelwano Zamazinga Omsebenzi, Isivumelwano Sokuvumelana kanye nezinye izivumelwano nezinkontileka
Ihhovisi Lesikhulu Sokuqhutshwa Kwemisebenzi - **Ihhovisi Lokuphathwa Kwemisebenzi**	☐ Ulwazi oluphathelene nemisebenzi

Izigaba zamarekhodi	Incazelo yamarekhodi agciniwe
Unobhala	☐ Amaminithi Okuphathwa Kwamakomidi – Ucwaningo Lwekomidi, Ikomidi Lokuyingcuphe, Ikomidi Lamaholo ☐ Izinqumo Zomkhandlu ☐ Uhlelo Lwamakomidi Ebhodi lesu lokuqhuba umsebenzi ☐ Imihlahlandlela Yamakomidi ☐ Amarejista Abantu Abakhona Nabangekho ☐ Ukudalulwa Kwarejista Ezintshisekelo ☐ Imibiko ebhalwe ngokomthetho osebenzayo

Izindaba Zenkampani	<u>Ezokuxhumana</u> ☐ Izinqubomgomo Ezisebenzayo ☐ Isu Lezokuxhumana Nelobudlelwano Nababambiqhaza ☐ Ikhalenda lemicimbi ye-ICASA ☐ Isizindalwazi sezemithombo yabezindaba kanye nababambiqhaza <u>Ukuphathwa Kwesikhungo</u> ☐ Ulwazi Lwesizindalwazi ☐ Izinqubomgomo Ezifanele ☐ imibhalo Yenqubo ☐ Imibhalo Yokuphathwa kwempahla, (isicelo sempahla, irejista yempahla, ☐ Imibiko yolwazi yokuqhutshwa kwemisebenzi yesikhungo ☐ Imarejista okubhaliswa <u>Ulwazi Lwezobuchwepheshe</u> ☐ Isu le-IT ☐ Usomqulu Wokuphathwa Komsebenzi ☐ Inqubo Yokuphathwa Kwemisebenzi ☐ Inqubomgomo ye-*architecture*

Izigaba zamarekhodi	Incazelo yamarekhodi agciniwe
	☐ Usomqulu we-*architecture* ☐ Icebo Lezinhlelo Olukhulu ☐ Imibhalo yokwakhiwa kohlelo ☐ Izinqubomigomo ze-ICT, izinqubo nemigomo ☐ Amarekhodi ezingcingo zangaphakathi ☐ Inqubo engaphakathi komnyango Wokweseka Ibhizinisi ☐ Imigomo yempahla (I-*Architecture*) ☐ Izivumelwano Zokuthola ilayisense

Izigaba zamarekhodi	Incazelo yamarekhodi agciniwe
Umnyango Wezezimali	☐ izinqubomigomo zezimali ☐ Amarekhodi okuholela ngeHlelo Lokuholela (Ezezimali: Uhlelo Lokuholela/Imiholo) lwabasebenzi abaphethe abamqoka kusukela Kubaphathi Abakhulu kuya phezulu. ☐ Izabelomali (Ezezimali: Izabelomali Nokuhlela) ☐ Izitatimende Zezimali (Ezezimali: Ezokubala) ngaphandle Kwezitatimende Zezimali Zonyaka Ezicwaningiwe ☐ Imibiko yezezimali yokota ☐ Izitatimende zabakweletayo kanye nama-invoyisi (Ezezimali: Ezokubala) ☐ (Ezezimali: Ezokubala) kanye nezicelo zenkokhelo (Ezezimali: Umgcinimafa) ☐ Amafayela ezicelo zokukhokhelwa umshwalense (Ezezimali: Ikomidi lezokubala nomshwalense)

Izigaba zamarekhodi	Incazelo yamarekhodi agciniwe
Ezokuthenga	☐ Izinqubomigomo Zezokuthenga ☐ Isizindalwazi Sezinkontileka ☐ Isizindalwazi Sabahlinzeki
Umnyango Wezabasebenzi	☐ Izinqubomgomo nezinqubo zabasebenzi ☐ Amafayela abasebenzi ☐ Izinkontileka zokuqashwa ☐ Imibiko ye-REMCO kanye nemibiko yokuklanywa kwamaholo ☐ Amarekhodi e-CCMA Nenkantolo Yezemisebenzi ephathelene nezimpikiswano zezemisebenzi
Umnyango Wezokucwaningwa Kwenqubomgomo Nokucubungula	☐ Ulwazi Oluphathelene Nemisebenzi Eshicilelwe ☐ Izethulo ezethulwe kw-ITU (Imibiko Yomkhakha we-ICT) ☐ Izinqubomgomo Nezinqubo Zenqubomgomo, Ucwaningo Nokucubungula

Izigaba zamarekhodi	Incazelo yamarekhodi agciniwe
Umnyango Wezocwaningomabhuku Lwangaphakathi	☐ Imibiko Yocwaningomabhuku Lwangaphakathi ☐ Izinqubo nezinqubomigomo Zocwaningomabhuku Lwangaphakathi ☐ Imanuwali Yocwaningomabhuku Lwangaphakathi ☐ Izivumelwano Zezinga Lomsebenzi Yocwaningomabhuku Lwangaphakathi ☐ Isivumelwano Sokungenisa Ucwaningomabhuku Lwangaphakathi ☐ Umgomo Wezinkambiso Wocwaningomabhuku Lwangaphakathi ☐ Usomqulu Wocwaningomabhuku Lwangaphakathi
Ukulandelwa Kwemigomo	☐ Izinqubomgomo, izinqubo nezindlela zokwenza izinto ☐ Ukuqhutsha komsebenzi

Imibhalo Yemisebenzi Yezokuvikela	☐ Incwadi yezigameko ezehlile ☐ Irejista yokulawula ukutholakala kolwazi ☐ Ifomu lesicelo sekhadi likaMazisi/ukubhaliswa ☐ Ukwamukela isikweletu samakhadi noma izikhiye ☐ Ifomu lesicelo sokungena egumbini le-server ☐ Ifomu lesicelo sokufinyelela egumbini lezikhulu ☐ Irejista yokulawula ukhiye ☐ Irejista yehlu lokulawula ukhiye; ☐ Uhlelo lokusebenza ☐ Ukuhlolwa kwempahla yokucisha umlilo ☐ Inqubomgomo yezokuvikela ☐ Inqubo yokulawula ukungena ☐ Inqubomgomo yokuphathwa kwamarekhodi ☐ Inqubomgomo YoMthetho Wezokuphila Emsebenzini Nezokuphepha ☐ Inqubomgomo yokulawula izibhamu ☐ Inqubo yokucisha umlilo nokuvikela

Izigaba zamarekhodi	Incazelo yamarekhodi agciniwe
	☐ Inqubo yokukhiya nokulawula ☐ Uhlelo lwezimo ezingahlelelwe ☐ Inqumo yesu lezokuxhumana ☐ Uhlelo lokusebenza ezimweni eziphuthumayo ☐ Inqubo Yabasebenzi Bezokuvikela ☐ Umbhalo Wolwazi Olunomkhawulo Lwemigomo Yezokuvikela
Ezomthetho, Ezokuyingcuphe kanye neKomidi Lezikhalo Nokulandelwa Kwezimiso (CCC)	☐ Imibiko yamacala ☐ Imithetho ethinta i-ICASA ☐ Imibiko Yokulandelwa Kwezimiso ☐ Imibiko ye-PAIA ☐ Izinqubomgomo nezinqubo ☐ Amarejista okuyingcuphe ☐ Izikhalo Nezikhalo Ngokhetho ☐ Izinqubo Zokugcina Ze-CCC

Izigaba zamarekhodi	Incazelo yamarekhodi agciniwe
Ukulandelwa Kwezimiso Nezindaba Zabathengi	☐ Ifomu Lemanuwali Yezikhalo ☐ Izincwajana namapheshana olwazi ☐ Imithethonqubo yabathengi ☐ Imibiko Yesigungu Sokubonisana Ngezokukhubazeka kanye nemihlahlandlela

Izigaba zamarekhodi	Incazelo yamarekhodi agciniwe
Uphiko Lwamalayisense	☐ Izinqubo Zokuhlinzeka Ngelayisense kanye Nemithethonqubo Yezinqubo ☐ Imithethonqubo Yemigomo Nemibandela Yokuhlinzeka Ngelayisense Ngokujwayelekile ☐ Izimemo zokufaka isicelo ☐ Izicelo Ezishicilelwe ☐ Okokumelela Okushicilelwe ☐ Izimpendulo ezishicilelwe ☐ Imibhalo yokuthathelwe ezithangamini zokubonisana nomphakathi kanye nezethulo ☐ Imibhalo ephathelene nendlela yokucabanga ☐ Amalayisense ☐ Izinhlelo Zeziteshi Zokusakazela ☐ Izaziso ngokuhlelwa kabusha kwezigaba zeziteshi zokusakazela ☐ Ulwazi oluphathelene nezindleko zokuhlinzeka ngelayisense

Izigaba zamarekhodi	Incazelo yamarekhodi agciniwe
Ezobunjiniyela Nezobuchwepheshe	☐ Uhlelo Lweziteshi Zomsakazo Kuzwelonke ☐ Imithethonqubo ephathelene Neziteshi Zemisakazo ☐ Ulwazi ngezinkinga zezobuchwepheshe bamalayisense abahlinzekwa ngamalayisense Kwemisebenzi Yenethiwekhi Yezokuxhumana Ehamba Ngayodwana ☐ Ulwazi ngezindlela zokuphatha ezisetshenziswa ekusakazeleni kanye nezinye izindlela zokuxhumana zomsakazo

Izigaba zamarekhodi	Incazelo yamarekhodi agciniwe
Izifunda	☐ Amarekhodi ezokuphepha nezokuvikeleka ☐ Amarekhodi ezicelo afakwe ngaphambilini ☐ Amarekhodi Okugcizelela Nokuqeda ☐ Amacala abikwe ku-SAPS ngabasebenzisi abasebenzi ngokungekho emthethweni ☐ Amalayisense akhishwe i-ICASA ☐ Ulwazi Ngesithuthi ☐ Amarekhodi emihlangano omphakathi ☐ Amarekhodi abasebenzisi beziteshi nabasebenzisi

10. ULWAZI OLUQONDENE NOMUNTU NGQO

10.1 Ukuze kulawulwe ukufakwa kwezicelo zolwazi oluqondene nomuntu ngqo, ulwazi olungezansi lubandakanya – (i) imininingwane yenhloso yokuqhutshwa kolwazi oluqondene nomuntu uPhiko, (ii) incazelo ngezigaba zabantu abahlolwayo kanye nolwazi noma izigaba zolwazi oluphathelene nabantu abaholwayo olugcinwe uPhiko, (iii) umamukeli noma izigaba zabamukeli abahlinzekwe ngolwazi oluqondene nabo, (iv) Ukudluliswa kolwazi oluqondene nomuntu ngqo okuhleliwe, kanye (v) nencazelo ewujikelele evumela ukuhlolwa okuyisisekelo ngokufaneleka kwezindlela zokuvikela ulwazi ezizoqaliswa uPhiko ukuze kuqinisekiswe ubumfihlo, isithunzi kanye nokutholakala kolwazi oluzoqhutshwa.

10.2 NgokoMthetho Wokuvikela Ulwazi Oluqondene Nomuntu Ngqo

4 ka 2013 (ongakasebenzi ngokugcwele), umfakisicelo omininingwane iqondene naye angacela ukuthi uPhiko luqinisekise, ngaphandle kokukhokhiswa, ukuthi ngabe uPhiko lulugcinile na ulwazi oluqondene nalowo mfakisicelo.

10.3 Umfakisicelo uyakwazi ukufaka isicelo sokuthi uPhiko luhlinzeke ngerekhodi noma incazelo ngolwazi oluqondene ngqo nomfakasicelo olugcinwe uPhiko, okubandakanya ulwazi mayelana nemininingwane yokuhlonza umuntu ongaphandle, noma izigaba zabantu abangaphandle, okwaze, noma owake wakwazi, ukuthola ulwazi. –

10.3.1 esikhathini esifanele,

10.3.2 ngendlela nangohlobo olufanele,

10.3.3 ngenani, nangohlobo oluvame ukuqondakala.

10.4 **Inhloso ngokuqhutshwa kolwazi oluqondene nomuntu ngqo:**

10.4.1 Ukucutshungulwa kwezicelo zamalayisense;

10.4.2 Imininingwane yokuxhumana nomnini layisense;

10.4.3 Ilayisense yokuqasha;

10.4.4 Izinqubo zokuthenga nokuphatha izinkontileka;

10.4.5 Amarekhodi abasebenzi okubandakanya izidingo zesikhwama sempesheni;

10.4.6 Izikhalo ezifakwa eKomidini Lezikhalo Nokulandelwa Kwezimiso;

10.4.7 Noma eyiphi enye inhloso ukuze kufezeke umsebenzi woPhiko.

10.5 **Izigaba zabantu abahlolwayo kanye nolwazi:**

10.5.1 Abasebenzi;

10.5.2 Abaninilayisense;

10.5.3 Abakhalazi;

10.5.4 Abahlinzeki ngezidingo; kanye

10.5.5 Namakhansela.

10.6 **Abamukeli abangahlinzekwa ngolwazi oluqondene nabo**

ngqo:

10.6.1 Umnyango Wezabasebenzi;

10.6.2 Umnyango Wezamalayisense;

10.6.3 Unobhala;

10.6.4 Izindaba Zenkampani;

10.6.5 Ezomthetho;

10.6.6 Umnyango Wezokulandelwa Kwezimiso Nezindaba Zabathengi;

10.6.7 Umnyango Wezobunjiniyela Nezobuchwepheshe;

10.6.8 Ikomidi Lezikhalo Nezokulandelwa Kwezimiso;

10.6.9 Ucwaningomabhuku Lwangaphakathi;

10.6.10 Umcwaningimabhuku Jikelele.

10.7 **Ukudluliswa kolwazi oluqondene nomuntu ngqo okuhleliwe:**

10.7.1 Akusebenzi kwi-ICASA

10.8 **Incazelo ewujikelele yolwazi lwezindlela zokuvikela:**

10.8.1 Kunenqubomgomo Yezokuvikela Ngezobuchwepheshe ezilawula indlela uhlelo ngalunye oluphathwa ngayo.

10.8.2 Kunezinqubomgomo zamaphasiwedi eziphoqelelwe eziqinisekisa ukuthi amaphasiwedi okuthola uhlobo ngalunye kumele ashintshwe ezinsukwini ezingama-30. Phezu kwalokho, uma iphasiwedi yakunoma oluphi uhlelo ifakwe kathathu yangavuma ukungena ngoba kungesiyo eyakhona, i-akhawunti yomsebenzisi iyavaleka ingasasebenza.

10.8.3 Amalungelo okuthola ulwazi kwezinhlelo ezimqoka ezicwaningwa njalo ngekota ukuze kuqinisekiswe ukuthi umuntu ngamunye unelungelo elifanele elihambisana nomsebenzi wakhe

11. **UMSEBENZI OKHONA**

Uhlobo lomsebenzi

11.1 UPhiko luhlinzeka ngemisebenzi eyimiselwe ebandakanya –

11.1.1 Ukugunyaza, ukuvuselela, ukuchibiyela, ukudlulisa nokuchitha amalayisense;

11.1.2 Ukusungula, ukuqapha nokuphoqelela ukulandelwa kwemiyalelo ngokwemigomo yelayisense kanye nemithethonqubo;

11.1.3 Ngesaziso esibhaliwe, uyalele umnikazi welayisense ngokwemithetho emiselwe ukukhiqiza noma ukuhlinzeka uPhiko, ngesikhathi nendawo ecaciswe esazisweni, noma emiphi imibhalo nolwazi okucaciswe kuleso saziso futhi okuphathelene nanoma oluphi udaba oluphathelene nomsebenzi noma nesibopho esivele ngale layisense ngokomthetho ofanele.

11.1.4 Ukwenza ucwaningo ngakho konke okuthinta ukusakazela, ukuthengiselana ngogesi, ezokuposa nokuxhumana ngogesi ukuze lusebenzise amandla alo bese lweze umsebenzi walo;

11.1.5 Ukwenza imithethonqubo ngezindaba ezihambisana nokuthintekayo emithethweni ethintekayo;

11.1.6 Ukuhlola uhlelo olusetshenziselwa ezokuxhumana ngogesi olusetshenziselwa ukuxhumana ngogesi;

11.1.7 Lubhekane nemibuzo edingekayo nganoma oluphi udaba olunamandla okuthatha isinqumo ngalo;

11.1.8 Ukuphenya nokwahlulela ezikhalweni ezethulwe oPhikweni ngokwemithetho efanele kanye nemigomo yamalayisense;

11.1.9 Ukusebenzisa amandla futhi lwenze umsebenzi woPhiko ngokoMthetho othintekayo.

Indlela yokuthola le misebenzi

11.2 Le misebenzi ingatholwa yinoma omuphi umuntu oyidingayo, ilungu lomphakathi, ofake isicelo sokuthola ilayisensi, inhlangano noma isikhungo kuncike kuhlobo lolwazi oludingekayo, njengoba

kuhlinzekwe ukuthi ulwazi oluzothokala belungathulwanga futhi uPhiko lwanqunywa ukuthi luyimfihlo ngokwesigaba 4D soMthetho we-ICASA, ngezindlela ezilandelayo:

11.2.1 Ukuthumela isicelo sanoma omuphi umsebenzi olawulwa uPhiko;

11.2.2 Ukuba yingxenye yesithangami sokubonisana nomphakathi nokwethulwa kwezimvo uma kuhlinzekwa ngalesi saziso;

11.2.3 Ukufaka izikhalo oPhikweni noma ku-CCC.

11.3 Olunye ulwazi ngoPhiko nemisebenzi etholakalayo kungatholakala ngendlela elandelayo:

11.3.1 Ukuvakashela iwebhusayithi yoPhiko ku-www.icasa.org.za

11.3.2 Ukuvakashela umtapowolwazi woPhiko osenhlokohhovisi ePinmill Farm Block C
164 Katherine Street
Sandton
2146

11.3.3 Inombolo yokuthintana nomtapowolwazi woPhiko ithi +2711 566 3000

12. Izinhlelo zokuvumela ukubandakanya umphakathi ekwenziweni komsebenzi woPhiko

12.1 UPhiko lulandela izinqubo ezivulelekile nezokubonisana uma selufeza umsebenzi walo, futhi noma ubani onentshisekelo angazibandakanya ngokulandela imiyalelo ebhalwe kuGazethi kaHulumeni efanele.

13. IZIXAZULULO EZIMWENI ZOKUCHITHWA KWESICELO SOKUTHOLA ULWAZI

13.1 UPhiko alunayo inqubo yokudluliswa kwezinqumo yangaphakathi. Ngakho, isinqumo sikaMgcinilwazi siwumnqamula juqu, futhi abafakizicelo kuyOdingeka ukuthi baphumela ngaphandle uma izicelo

zabo zichithiwe, futhi umfakisicelo enganelisekile ngempendulo ayithole kuMgcinimafa.

13.2 Uma isicelo sichithiwe, umfakisicelo onganelisekile angathumela isicelo sakhe kumlawuli ovikela imininingwane, uma sesunguliwe noma angafaka isicelo Enkantolo Ephakeme ezinsukwini eziyi-180 ezasiswe ngokuchithwa kwesicelo, ukuze athole irekhodi elidingekayo eliceliwe elizotholwa umfakisicelo noma okunye okufakelwe isicelo. Kanjalo, umuntu wangaphandle onganelisekile ngesinqumo sikaMgcinimafa sokugunyaza isicelo solwazi, angafaka isicelo Enkantolo Ephakeme ezinsukwini eziyi-180 kukhiswe isaziso ngesinqumo.

13.3 Inkantolo iyothatha isinqumo sokuthi ngabe amarekhodi azotholakala noma cha.

13.4 Umfakisicelo (noma umuntu ongaphandle, lapho kusebenza khona) angangezela ngokucela noma eyiphi inkantolo engakwazi ukwahlulela ngezinqumo ezilandelayo zikaMgcinilwazi -

13.4.1 inani lezindleko okumele zikhokhe; kanye/noma

13.4.2 ukwelulwa kwezikhathi ulwazi oluzohlinzekwa ngaso.

14. Zonke izinqubo zomthetho kumele zithunyelwe kuMgcinilwazi, iPhini Likamgcinilwazi noma Iphini Likamgcinilwazi Lesifunda owadingida isicelo.

15. UKUBUKEYEZWA KWEMANUWALI

Le manuwali izobuyekezwa njalo ngonyaka futhi echitshiyelwe izothunyelwa ehhovisi le-SAHRC.

16. UKUTHOLAKALA KWEMANUWALI

16.1 Imanuwali izotholakala ngezindlela ezilandelayo –

16.1.1 Iwebhusayithi yoPhiko;

16.1.2 Ihhovisi le-SAHRC;

16.1.3 Umtapowolwazi woPhiko ngesikhathi somsebenzi esejwayelekile.

16.2 Le manuwali izohlinzekelwa noma ubani oyicelayo, futhi uma esekhokhe imali efanele.

ISITHASISELO 1: IFOMU LESICELO LEZINHLAKA ZIKAHULUMENI

ISICELO SOKUTHOLA ULWAZI SOHLAKA LUKAHULUMENI

(Isigaba 18(1) soMthetho Wokugqugquzela Ukutholakala Kolwazi, No. 2 ka 2000)

OKUZOSETSHENZISWA UMNYANGO

Inombolo eyinkomba:

Isicelo samukelwe u _____(bhala isikhundla, Igama Nesibongo somgcinilwazi/iphini lomngcinilwazi) mhlaka (usuku) e_____ (indawo).
Izindleko zokucela (uma zikhona): R.....
Idiphozithi (uma ikhona): R.....
Izindleko zokuthola ulwazi: R .....

_____ ISIGINISHA YOMGCINILWAZI/IPHINI LOMGCINILWAZI

A. Imininingwane yohlaka lukahulumeni

UMgcinilwazi/Iphini Likamgcinilwazi

Isikhundla	**:**	**Iphini Likamgcinilwazi (Umphathi Wezikhalo)**
Ikheli Leposi	**:**	**Independent Communications Authority of SA**
		Private Bag X10002
		Sandton
		2146
Ucingo	**:**	**011 566 36000**
I-imeyli	**:**	**wngwepe@icasa.org.za**

B. Imininingwane yomuntu ofaka isicelo sokuthola irekhodi

Kumele imininingwane yomfakisicelo ihlinzekwe ngezansi. Ikheli kanye/noma nenombolo yefeksi yeRiphabhulikhi ulwazi okumele luthunyelwe kuyo. Ubufakazi bokuthi isicelo sifakwa ngaphansi kwesiphi isikhundla, uma kudingeka, kumele bunanyathiselwe.

Amagama Agcwele Nesibongo: ----------

Inombolo kamazisi: ----------

Ikheli Leposi: ----------

Inombolo Yefeksi: ----------

Inombolo Yocingo: ----------

Ikheli Le-imeyli ----------

Isikhundla isicelo esifakwa ngaphansi kwaso, uma sifakelwa omunye umuzi:

C. Imininingwane yomuntu ofakelwa isicelo

Le sigaba kumele sigcwaliswe uma isicelo solwazi sifakelwa omunye umuntu KUPHELA

Amagama agcwele nesibongo: ----------

Inombolo kamazisi: ----------

D. Imininingwane yerekhodi

Hlinzeka ngemininingwane egcwele yamarekhodi owacelayo, okubandakanya inombolo eyinkomba uma uyazi, ukuze litholakale irekhodi kalula.

Uma isikhala esihlinzekiwe singenele, sicela uqhubeka kwelinye ikhasi bese ulihlanganise nale fomu. Umfakisicelo kumele asayine konke okudingekayo kokwengezela.

Incazelo ngerekhodi noma ingxenye ebalulekile yamarekhodi:

Inombolo eyinkomba, uma ikhona:
Noma emiphi eminye imininingwane yerekhodi:

E. IZINDLEKO

Isicelo sokuthola amarekhodi, ngaphandle kwamarekhodi aqukethe imininingwane eqondene nawe, izoqhutshwa nqobo uma sekukhokhwe izindleko zokufaka izicelo
Umfakisicelo uzokwaziswa ngenani okumele alikhokhe oluyizindleko zokufaka isicelo: Izindleko ezikhokhelwa ukuthola amarekhodi zincike kuhlobo lwerekhodi elicelwayo kanye nesikhathi esanele sokulithungatha nokulilungisa. Uma umfakisicelo efaneleke ukukhululwa ekukhokheni noma eziphi izindleko, sicela kubhalwe izizathu zokukhululwa: _____ _____

Izizathu zokukhululwa ekukhokheni izindleko:

F. Ifomu lokuthola irekhodi

Uma ungakwazi ukufunda, ukubheka noma ukulalela irekhodi elikwifomu lokufaka isicelo elihlinzekiwe ku-1 kuya ku-4 ngezansi ngenxa yokukhubazeka, cacisa uhlobo lokukhubazeka futhi ubhale kwifomu uhlobo lwerekhodi oludingayo.

Ukukhubazeka: ----------	Ifomu okudingeka irekhodi kulo:----------

Faka u-**X** ebhokisini elifanele

QAPHELA:
Ukulandelwa kwesicelo sakho sokuthola amarekhodi ngendlela ecacisiwe kungase kuncike kuhlobo irekhodi elitholakala ngayo.
Ukutholakala ngendlela acelwe ngayo kungenzeka kungavunyelwa ngezinye izinkathi. Kuleso simo uyokwaziswa ukuthi ngabe irekhodi liyotholakala ngenye indlela na.
Izindleko ezikhokhelwa ukutholakala kwamarekhodi, uma zikhona, zizonqunywa nangenxa yendlela irekhodi okucelwe ukuthi litholakale ngayo.

1. Uma irekhodi libhaliwe noma liphrintiwe:
   Ikhophi lerekhodi* Ukuhlolwa kokuqoshiwe
2. Uma irekhodi linezithombe
   (lokhu kubandakanya izithombe, ama-slides, amavidiyo aqoshiwe, izithombe ezikhiqizwe ngekhompyutha, imidwebo, njll.):
   Ukubuka izithombe ezikopishwe ezithombeni* ukukhishelwa kwezithombe ezithathiwe*
3. Uma irekhodi liqukethe amazwi aqoshiwe noma ulwazi olungatholakala ngesiqophamazwi
   Lalela umsindo odlalayo Ukukhishelwa komsindo oqoshiwe*
   (Ikhasethi elilalelwayo) (Umbhalo obhaliwe noma ophrintiwe)

4. Uma irekhodi ligcinwe kwikhompyutha noma ngendlela kagesi noma ngendlela efundeka emshinini:
   Ikhophi ephrintiwe Ikhophi ephrinitiwe ikhophi ekukhompyutha yerekhodi* okukhishwe ulwazi kuyo efundekayo *
   Ephuma kurekhodi* (isidi) (compact disc)

*Uma ucele ikhophi noma umbhalo othathelwe kwirekhodi (okungenhla), ngabe ufisa ukuposelwa ikhophi noma umbhalo othathelwe na?

YEBO/CHA

Uyaziswa ukuthi uma irekhodi lingatholakali ngolimi olufisayo, kungavumeleka ukuthi uthole irekhodi ngolimi irekhodi elitholakala ngalo.
Ungathanda ukulithola ngoluphi ulimi irekhodi?

G. Isaziso ngesinqumo esiphathelene nesicelo sokuthola ulwazi

Abafakizicelo bazokwaziswa ngokubhalwe phansi ngokuphumelela/ngokuchithwa kwezicelo zabo. Uma ufisa ukwaziswa ngenye indlela, sicela ucacise indlela ofisa ukukwaziswa ngayo kanye nemininingwane yayo ukuze kufezwe umsebenzi ophathelene nesicelo sakho.

Ngabe ukhetha ukuthi impendulo ngesinqumo sesicelo sokuthola amarekhodi sakho ithunyelwe ngayiphi indlela?

Isayinwe e ---------- mhla zingama ---------- ku----------

Kusayina Umfakisicelo/Umuntu ofakelwa isicelo.

ISITHASISELO 2: IZINDLEKO ZEZINHLAKA ZIKAHULUMENI

A. Izindleko

	Okwenziwayo	izindleko
i.	Ikhophi lekhasi eliyi-A4 ubukhulu noma ingxenye yalo	R0.60
ii.	Ikhophi ephrintiwe yekhasi eliyi-A4 ubukhulu noma ingxenye yalo libe ligcinwe kukhompyutha noma emshinini osebenza ngogesi ofundekayo	R0.40
iii.	Ukuze uthole ikhophi egcinwe kukhompyutha efundeka egcinwe ku -	
	☐ USB (phaka eyakho)	
iv.	Ukukhishelwa kwamarekhodi alalelwayo, ekhasini eliyi-A4 noma ingxenye yalo	R22.00
v.	Ikhophi yezithombe	R60.00
vi.	Ukukhishelwa komsindo olalelwayo, ekhasini eliyi-A4 noma ingxenye yalo	R12.00
vii.	Ikhophi yerekhodi elilalelwayo	R17.00