

**IMIHLAHLANDLELA YOMTHETHO WOKUVIKELWA KOLWAZI LOMUNTU SIQU
WOMNYANGO WEZEMFUNDO EYISISEKELO**

ISIQEPHU SOKU-1:

ISINGENISO

UMthetho Wokuvikelwa Kolwazi Lomuntu Siqu (i-POPIA) uhlose ukwenza kusebenze ilungelo lomthethosisekelo lobumfihlo ngokulinganisa ilungelo lobumfihlo nelokuthola ulwazi. I-POPIA idinga ukuthi ulwazi lomuntu siqu oluphatelene nabantu ngabanye lucutshungulwe ngokusemthethweni nangendlela ezwakalayo engaphuli ilungelo lobumfihlo.

Ilungelo lomthethosisekelo lobumfihlo liqukethwe kwiSahluko se-14 soMthethosisekelo: ISahluko se-14 soMthethosisekelo sihlinzeka ukuthi -

Wonke umuntu unelungelo lobumfihlo, okubandakanya ilungelo:

- (a) lokungaseshwa komuntu noma ikhaya lakhe liseshwe;
- (b) lokungaseshwa kwempahla yakhe;
- (c) lokungathathelwa impahla yakhe; noma
- (d) lokungaphulwa kobumfihlo bokuxhumana naye.

ISahluko sesi-2 soMthetho Wokuvikelwa Kolwazi Lomuntu Siqu wonyaka we-2013 (i-POPIA) sibeka izinhloso zayo. Inhloso yokuqala ye-POPIA:

- (a) Ukwenza kusebenze ilungelo lomthethosisekelo lobumfihlo ngokuvikela ulwazi lomuntu siqu lapho lucutshungulwa ingxenye ethintekayo, kulale emikhawulweni ebambekayo okuhloswe ngayo:

- (i) Ukulinganisa ilungelo lobumfihlo namanye amalungelo, ikakhulukazi ilungelo lokufinyeleleka kolwazi, kanye

- (ii) Ukuvikela intshisekelo ebalulekile, okubandakanya nokugeleza okulula kolwazi ngaphakathi eNingizimu Afrika kanye naphakathi kwemingcele yamazwe ngamazwe.

I-POPIA inikeza okuqukethwe ilungelo lobumfihlo njengoba kubhalwe kuMthethosisekelo. Akulona ilungelo eliphelele futhi linganqunyelwa ngokulandela iSigaba Semikhawulo esikuMthethosisekelo. I-POPIA iwumzamo wokulinganisa ilungelo lobumfihlo namalungelo abanye, okubandakanya ilungelo lokufinyeleleka kolwazi.

Isendlalelo se-POPIA sihlonipha ukuthi:

- (a) ISahluko se-14 soMthethosisekelo sihlinzeka ukuthi wonke umuntu unelungelo lobumfihlo.
- (b) Ilungelo lobumfihlo libandakanya ilungelo lokuvikelwa ekuqoqeni, ekugcinweni, ekusatshalalisweni kanye nokusetshenziswa kolwazi lomuntu siqu ngokungekho emthethweni, futhi
- (c) Umbuso ufanele uhloniphe, uvikele, ukhuthaze futhi ufeze amalungelo akusoMqulu Wamalungelo.

Ukugunyazwa kwe-POPIA, empeleni, kuyindlela yombuso yokuvikela, ukhuthaze futhi ufeze ilungelo lobumfihlo njengoba livezwe kuMqulu Wamalungelo.

ISIGABA SEMIKHAWULO

Ilungelo lobumfihlo akulona ilungelo eliphelele. Amalungelo oMthethosisekelo anganqunyelwa, ahambisane noMthethosisekelo. ISahluko sama-36 soMthethosisekelo (iSigaba Semikhawulo) sikhuluma ngendlela amalungelo oMthethosisekelo anganqunywa ngayo. Yonke imikhawulo yelungelo lobumfihlo ifanele ihambisane neSigaba Semikhawulo.

I-POPIA iyakubona futhi ukuthi ukususwa kwezithiyo ezingadingekile ekugelezeni okulula kolwazi, okubandakanya nolwazi lomuntu siqu, kuyadingeka ngaphakathi kwengqikithi yamagugu omthethosisekelo wentando yeningi nokuvuleleka, kanye nesidingo senqubekelaphambili kwezomnotho nezenhlalakahle.

Inhloso ye-POPIA

Njengova kushiwo ngenhla, inhloso yokuqala ye-POPIA ukwenza ukuthi kusebenze ilungelo lomthethosisekelo

lobungasese. Ekwenzeni njalo, ifanele iphinde ibhekane nemikhawulo ekhona kuleli lungelo. Enye inhloso ekhona kwi-POPIA:

- a) Ngukulawula indlela ulwazi lomuntu siqu olungasetshenzwa ngayo;
- b) Ukuhlinzeka abantu ngamalungelo nezixazululo zokuvikela ulwazi labo siqu ekusetshenzweni okungahambisani ne-POPIA; kanye
- c) Nokwakha izinyathelo, zibandakanya uMlawuli Wolwazi, ukuze kuqinisekise futhi kuqhutshekiselwe phambili, kuphoqeletwe futhi kufezwe amalungelo avikelwe yi-POPIA.

UKUSETSHENZISWA KWE-POPIA

I-POPIA isebenza ekucutshungulweni kolwazi lomuntu siqu olufakwe kwirekhodi yingxenye noma oliufakelwe ingxenye ebophezekile. Ukuze kuqondwe POPIA kubalulekile ukuzijwayeza amagama abalulekile alandelayo asetshenziswa kwi-POPIA.

Ukucutshungulwa:

Ukucutshungulwa kuchazwe njenganoma iyiphi inqubo noma okwenziwayo noma nanoma yiliphi iqoqo lezinqubo, nanoma ngabe lingelizenzakalelayo noma cha, mayelana nolwazi lomuntu siqu, kubandakanya—

- (a) ukuqokelela, ukwamukela, ukurekhoda, ukuhlela, ukuhlanganiswa, ukugcinwa, ukufakwa kolwazi olusha noma ukulungiswa, ukuthola futhi, ukuguqula, ukuxhumana noma ukusebenzisa

- (b) ukuhlukaniswa kolwazi ngendlela yokuludlulisa, ukusabalalisa noma ukulwenza lutholakale nganoma ngandlelani; noma
- (c) ngokuhlanganisa, ukuxhumanisa, kanye nokuvimbela, ukwehla kwezinga, ukucishwa noma ukulinyazwa kolwazi.

Izibonelo zokucutshungulwa kuzobandakanya; ulwazi lomuntu siqu oludingwa yi-DBE lumayelana futhi alupheleli emagameni nezibongo, izinsuku zokuzalwa, izinombolo zomazisi, ulwazi lwezibalo zabantu, ulwazi lwezemfundo, ulwazi lwezemfundo, ulwazi lomsebenzi, ulwazi lwezempilo, amakheli, ukubhaliswa kwinyunyana yabasebenzi, ubulungu, kanye ne-imeyili yakho yasengasese neyomsebenzi kanye neminingwane yokuxhumana.

Ulwazi Lomuntu Siqu:

Lusho ulwazi olumayelana nomuntu ophawulekayo, ophilayo nowendalo, futhi lusetshenziswa, kumuntu ophawulekayo, okhona oyisazimthetho, kubandakanya kodwa kungapheleli:

- (a) ulwazi olumayelana nohlanga, ubulili, ubulili, isimo ngokomshado, ubuzwe, ubuhlanga, noma ngokwenhlalo, ubudala ngokwebala, ukuba nokukhubazeka, inkolo, isazelo, inkolelo, isiko, ulimi kanye nokuzalwa komuntu;
- (b) olwazini olumayelana nezemfundo, ezempilo, ubugebengu, umlando wokusebenza komuntu;
- (c) nanoma iyiphi inombolo ephawulekayo, uphawu, ikheli le-imeyili, ikheli lendawo, inombolo yocingo, ulwazi lwendawo, okuphawulayo kwi-inthanethi noma eminye iminingwane enikezwe umuntu;
- (d) olwazi lwezithupha lomuntu;
- (e) ukuxhumana okuthunyelwe umuntu okucacile noma okungacacile kohlobo lobungasese noma lobumfihlo;

Izibonelo zolwazi lomuntu siqu lungabandakanya ikhaya lomuntu, amakheli eposi nawe imeyili, izithupha, imibono ethulwe efomi lokuhlola emhlanganweni wokucobelelana ngolwazi kanye nolwazi labo olukukharikhulamu vithaye.

Irekhodi:

Lisho nanoma iluphi ulwazi olurekhodiwe:

- (a) Kungayi ngohlobo noma isimo, lubandakanya nanoma iluphi kolulandelayo:
 - (i) Okubhaliwe kunoma iluphi uhlobo,
 - (ii) Ulwazi olukhiqiziwe, olurekhodiwe noma olugcinwe nganoma iyiphi i-tape recorder, okokusebenzayo kwekhompiyutha, noma ngabe i-hardware noma i-software noma kokubili, noma enye insiza, futhi nanoma iyiphi enye into etholakala olwazini olukhiqiziwe, olurekhodiwe noma olugciniwe;
 - (iii) Ilebula, umaki, noma okunye okubhaliwe okuhlonza noma okuchaza nanoma yini noma okuyingxenye yakho, noma okunamathiselwe kukho nganoma iyiphi indlela;
 - (iv) Incwadi, ibalazwe, ipulani, igrafu noma umdwebo;
 - (v) Isithombe, ifilimu, inegethivu, itheyiphu noma esinye isisetshenziswa lapho isithombe esisodwa noma eziningi ezibukwayo zifakwe khona ukuze sikwazi, noma ngaphandle kosizo lwezinye izinto zokusebenza, ukukhiqizwa kabusha;
- (b) Eligcinwe noma elingaphansi kolawulo lwengxenye ebophelezekile;
- (c) Uma ngabe lwenziwe noma alwenziwanga yingxenye ebophelezekile; futhi
- (d) Kungayi ngokuthi luqale nini ukuba khona;

Izibonelo zolwazi lomuntu siqu lungabandakanya ukuthatha izithombe zomunye umuntu, ukubhala phanzi nokugcina iminininingwane, ukubhala phansi izinombolo zikamamzi owomunye umuntu.

Ingxenye ethintekile ifanele ibe ehlala eNingizimu Afrika noma uma ingahlali eNingizimu Afrika, ibe esebenzisa izindlela zokurekhoda zaseNingizimu Afrika –

ngaphandle uma lezo zindlela zisebenziselwa ukudlulisa ulwazi lomuntu siqu kusetshenziswa iNingizimu

Afrika.

Ukufingqwa kwamaphuzu abalulekile

- I-POPIA kusebenze ilungelo lomthethosisekelo lobungasese.
- Ilungelo lobungasese luthathwa njengelungelo lokuzimela kobuntu.
- I-POPIA isebenza ukucungulweni kolwazi lomuntu siqu olufakwe kwirekhodi yingxenye ebophezekile.
- I-POPIA kuhloswe ngayo ukuvikela uLwazi Lomuntu Siqu lapho lusetshenzwa.
- Ilungelo lobungasese lunemikhawulo ezwakalayo.
- I-POPIA igcina amalungelo kanye nezixazululo zokuvikela ulwazi lomuntu siqu.

ISIQEPHU SESI-1:

UKUFANELEKA KWE-POPIA KWI-DBE

I-POPIA ifanelekile ku-DBE njengoba ulwazi lomuntu siqu invamisa lucutshungulwa njengengxenywe yohlobo lwezinsizakalo ezinikezwayo. I-POPIA ibeka inani lezibopho lapho kucutshungulwa ulwazi lomuntu siqu.

I-POPIA ingumthetho osetshenziswayo jikelele osebenza ekucutshungulweni kolwazi lomuntu siqu futhi uchaza umuntu njengomuntu wemvelo noma ngokomthetho.

Okulandelayo ngezinye zezibonelo zalapho i-DBE njengengxenywe enesibopho icubungula ulwazi lomuntu siqu:

- (a) Izivumelwano Zokuqashwa Abasebenzi
- (b) Okuxhunywana nabo Abahlinzeki Izinsiza, Abahlinzeki Bezinsiza,
- (c) Ochwepheshe
- (d) Ukubuthwa kwabafake izicelo zomsebenzi
- (e) Ukusatshalaliswa kolwazi kubandakanya abahlanganyeli bewebhusayithi
- (f) Izikhalazo Zobudlelwano Bakhasimende
- (g) Okuxhunywana Nabo Bezimo Eziphuthumayo zezihlobo zezihloko ezithile zemininingo
- (h) Amaklayenti Ezinsizakalo Zomthetho
- (i) Isihloko somningo umuntu ulwazi lomuntu siqu oluhlobene naye.

Ulwazi Lomuntu Siqu: Iusho ulwazi oluhlobene nomuntu ohlonzwayo, ophilayo, wemvelo, futhi lapho lusebenza khona, kumuntu ohlonzakalayo, okhona ngokomthetho. Imininingo i-DBE enofinyeleleka kuyo kukhulu. Eminingi yayo 'ulwazi lwabantu siqu' ngokoMthetho we-POPI. Ikakhulukazi, inombolo kamazisi wobuzwe eyi-13 yabafundi nabasebenzi, kanye namagama abo, ubulili, nosuku lokuzalwa kungatholakala kwimininingo. Iminyango yezemfundo yezifundazwe idinga ulwazi labantu siqu ngezinhloso

zokusebenza, futhi njengomthombo wemininingo eminingi ye-DBE yeminyango yezifundazwe, kufakwa phakathi ulwazi lwabantu siqu.

NgokoMthetho Kazwelonke Wenqubomgomo Yezemfundo (i-NEPA), ukusetshenziswa kwemininingo yi-DBE kuphelela ekuqapheni nasekuhloleni inqubekela phambili yokuthobela uMthethosisekelo kanye nenqubomgomo yezemfundo kazwelonke. Imininingo ingaqoqwa isuka ku-EMIS noma ezinye izindlela ezifanele, ngokubambisana neminyango yezemfundo yezifundazwe. Ukusetshenziswa kwezombolo zomakhalekhukhwini bothisha kufanele kulinganiselwe.

Ikakhulukazi, ngezinhloso zokuhlaziya kanye nokufeza izibopho zokuqapha kwe-NEPA, imininingo yomuntu siqu i-DBE enayo iyadingeka. Ikakhulukazi, ulwazi lomuntu siqu luyadingeka lapho imithombo ehlukene yemininingo ifanele ixhunywe. Isibonelo, uma kufanele kwenziwe uhlaziyo lokuthi abahlolwa beBanga le-12 basebenze kahle kangakanani emabangeni angaphansi kweBanga le-12, ngakho imininingo yezivivinyo zeBanga le-12 ifanele ixhunyaniswe namaqoqo eminye imininingo ethinta amabanga aphansi.

Kuvamile ukuba kudingeke ukuba kusetshenziswe izici eziningi ekuxhumaniseni imithombo yemininingo ngoba isici esisodwa sizobonisa ukulinganiselwa. Isibonelo, inombolo kamazisi enamadijithi ayi-13 ixhumanisa abafundi abaningi kuzo zonke izivivinyo zeBanga le-12 kanye namaqoqo emininingo yangaphambi kweBanga le-12, kodwa hhayi bonke, njengoba ezinye izinombolo zomazisi zingekho. Kulokhu, ukusetshenziswa kwamagama nezinsuku zokuzalwa kungasetshenziswa ukuvala igebe, kodwa futhi nokuqinisekisa ukuhlaba esikhonkosini kwenombolo kamazisi kazwelonke. Okubalulekile, umsebenzi wokuqapha okukhulunywa ngawo lapha awufaki neze ukudalulwa kolwazi lomuntu siqu emibikweni ye-DBE ekhiqizwa njengengxenywe yenqubo. Imibiko izokhombisa kuphela izibalo ezingeni elihlanganisiwe elimayelana, isibonelo, namanani abafundi abashiya phakathi.

UMthetho Wenqubomgomo Kazwelonke Yezemfundo wonyaka we-1996 (uMthetho wama-27 wonyaka we-1996) okukhulunywe ngawo njenge-NEPA, udinga ukuba i-DBE

ihlele, yenze ucwaningo futhi nokuqaphela uNgqongqoshe Wezemfundo Eyisisekelo ukuqhutshelwa phambili kwezinhloso zikazwelonke. Ngokwenza lokhu, i-DBE ikhiqiza imibiko eminingi yangaphakathi neyomphakathi minyaka yonke esekelwe ngemininingo efinyeleleke kuyo, emikhakheni eminingi eyehlukene ebandakanya ukuya esikoleni, ukuvulwa nokuvalwa kwezikole, ukuqashwa kothisha, kanye nokusebenza kwabafundi. Ngokwe-NEPA, i-DBE iyadingeka futhi ukuthi iqhubekisele phambili ukusetshenziswa kwemininingo 'ohlelweni lukazwelonke lwezemfundo' olubanzi, okubandakanya ukuthaza ukusetshenziswa kwemininingo ezikhungweni ezihlukahlukene zikahulumeni lapho lokhu kukhiqiza ulwazi olubalulekile emkhakheni wezemfundo.

I-DBE ijwayele ukuzibandakanya emisebenzini lapho imininingo ye-DBE ixhunywe kweminye imininingo kahulumeni ngezinhloso zokuqinisekisa ikhwalithi yemininingo, kanye nokuqapha. Isibonelo, i-DBE ne-Ejensi Yezenhlakahle yaseNingizimu Afrika (i-SASSA) bayasebenzisana, besebenzisa imikhakha eyahlukahlukene yolwazi lomuntu siqu, ukuthola ukuthi ingabe abamukeli bezibonelelo zenhlalakahle abaseminyakeni yobudala yokuya esikoleni bayaya yini esikoleni. Ukuxhumanisa, ngokubambisana noMnyango Wezemfundo Ephakeme (i-DHET), amarekhodi abafundi ababebhalise ezikoleni phambilini kulawo abafundi bamanje abasezikhungweni ezilandela ukuphuma esikoleni kubalulekile ekuqondeni ukugeleza okuphakathi kwalezi zigaba ezimbili zemfundo. ISahluko sama-57(1)(a) se-POPIA sikhombisa ukuthi, ukugunyazwa kwangaphambili kufanele kutholwe kuMlawuli Wolwazi ngaphambi kokuba isihlonzi esikhethekile (njengenombolo kamazisi) sisetshenziselwe enye inhloso ngaphandle kwaleyo ebesihloselwe yona ngesikhathi sokukoleka, ngenhloso yokuxhumanisa ulwazi nezinqubo zolwazi zezinye izingxenye ezithinekayo.

Ukufingqwa kwamaphuzu abalulekile

- (a) Abameli ngokuvamile bacubungula ulwazi lomuntu siqu.
- (b) Abameli bafanele, ngaphambi kokungena ebudlelwaneni beklayenti, basungule futhi baqinisekise ukuthi obani abangaba amaklayenti ukuze bahlanganyele ebudlelwaneni bomsebenzi noma baphothule umsebenzi owodwa.

ISIQEPHU SESI-3:

ULUCUBUNGULA KANJANI ULWAZI NGOKUSEMTHETHWENI?

I-POPIA yethula izibopho ezithile ezingokomthetho zokuphatha nokucubungula ulwazi lomuntu siqu olungaphansi kolawulo lwayo. Ukuthobela i-POPIA:

- (a) Kuzoqinisekisa ukuvikeleka kolwazi lomuntu siqu olungaphakathi kokugcinwa yi-DBE;
- (b) Kuzokwandisa ukuzethemba nobudlelwano nalabo okusetshenziswana nabo;
- (c) Kuzonciphisa amathuba ezingozini ezingadingekile; futhi
- (d) Kuzosiza ukuvikela isithunzi semikhakha.

Ukungathobeli i-POPIA, ngakolunye uhlangothi, kungaholela kulokhu:

- (a) Ukwanda kwamathuba ezingozi ezingadingekile zezezimali nesithunzi;
- (b) Ukusakaza kwabezindaba okubi;
- (c) Imibono yomphakathi engemihle;
- (d) Izinhlawulo ezikhishwe nguMlawuli Wolwazi; kanye
- (e) Nesenzo senkantolo ngesihloko somniningo.

Kubaluleke kakhulu ukuthi lonke ulwazi olunikeziwe luphathwe ngendlela efanele. Amalungelo ezihloko zeminingo achazwe ku-POPIA. Isihloko somniningo umuntu ulwazi lomuntu siqu oluhlobene naye.

ISahluko sesi-5 se-POPIA sikhuluma ngamalungelo alandelayo, phakathi kwamanye, ngezihloko zeminingo:

- (a) Ukuze baziswe ngokuqoqwa kolwazi lwabo lomuntu siqu,
- (b) Ukuze baziswe ukuthi ulwazi lwabo lomuntu siqu lufinyelelwe noma lutholwe ngumuntu ongagunyaziwe,
- (c) Ukuze kutholwe ukuthi yiluphi ulwazi lomuntu siqu oluphethwe yi-DBE,
- (d) Ukuze kucelwe ukufinyeleleka olwazini lwabo siqu,
- (e) Ukucela ukulungiswa, ukucekelwa phansi noma ukucishwa kolwazi lwabo lomuntu siqu,

- (f) Ukuphikisa, ngezizathu ezizwakalayo, ukucutshungulwa kolwazi lwabo lomuntu siqu,
- (g) Ukuphikisana nokucutshungulwa kolwazi lwabo lomuntu siqu ngezinjongo zentengiso eqondile (okubandakanya ukucela uxhaso lwezimali) ngokuxhumana kwe-elekhtronikhi okungaceliwe.

Njengoba kukhonjisiwe eSahlukweni sesi-2, ukuqokelela, ukwamukela, ukurekhoda, ukuhlela, ukuhlanganiswa, ukugcinwa, ukufakwa kolwazi olusha noma ukulungiswa, ukuthola futhi, ukuguqula, ukuxhumana noma ukusetshenziswa kolwazi lomuntu siqu kanye nokusatshaliswa kwalo ngendlela yokudlulisela, ukusabalaliswa noma ukwenza lutholakale nganoma iyiphi enye indlela.

Ukucutshungulwa kolwazi kufanele kwenziwe ngokuhambelana nemibandela ye-POPIA ukuze kuthathwe njengokusemthethweni. ISahluko sesi-4 se-POPIA usho izimo eziyisishiyagalombili zokucutshungulwa ngokusemthethweni kolwazi lomuntu siqu, okuyilezi:

Ukuziphendulela

I-DBE ifanele iqoke ingxenye (uMgcinilwazi) ezoba nesibopho sokuqinisekisa ukuthi imigomo yokuvikela ulwazi ngaphakathi koMthetho we-POPI kanye nokulawula okukhona okuphoqelela ukuthotshelwa kwayo.

Ukwamukela isibopho ukuthobela izibopho eziku-POPIA;

- (a) Ukugunyaza izinqubomgomo nezinhlelo ezifanele zokuphatha nokucutshungulwa kolwazi lomuntu siqu;
- (b) Ukuqinisekisa ukuthi izinqubomgomo nezinhlelo ziyaqondwa, ziyamukelwa futhi ziyathotshelwa;
- (c) Ukuqinisekisa ukuthi amalungu abasebenzi ahlonyiswe ngendlela efanele futhi aqeqeshelwe ukuba athobele i-POPIA;

- (d) Qinisekisa ukuthi izivumelwano nabasebenzi izingxenye zesithathu zibhala i-POPIA efanele izibopho; futhi
- (e) Ukuqapha nokubuyekeza njalo ukusebenza kwezinqubomgomo nezinhlalo.

Umkhawulo Wokucutshungulwa

I-DBE ifanele iqinisekise ukuthi kukhona ukucutshungulwa okusemthethweni, ubuncane bolwazi oluqoqiwe, imvume, ukusekelwa kanye nokuphikisa, kanye nokuqoqwa kolwazi lomuntu siqu ngokuqondile kusihloko somniningo.

ISahluko sesi-9 sidinga ukuthi ukucutshungulwa kolwazi lomuntu siqu kwenziwe ngokusemthethweni nangendlela ezwakalayo engaphuli ubumfihlo besihloko somniningo. Empeleni, kufanele kube nesisekelo esisemthethweni sokucutshungulwa kolwazi lomuntu siqu lwanoma yisiphi isihloko somniningo. Indlela ecacile mhlawumbe ngokusungula isisekelo esisemthethweni esinjengalesi, kungemvume yesihloko somniningo.

INHLOSO YOKUCUBUNGULA ulwazi lomuntu siqu kufanele kube:

- (a) Olwanele
- (b) Olufanele
- (c) Lungabi luningi

Kunini lapho ukucutshungulwa kolwazi lomuntu siqu kusemthethweni?

Ulwazi lomuntu siqu lungacutshungulwa kuphela (kuhlanganise, luqoqwe, lwamukelwe, lurekhodwe, luhlelwe, luhlanganiswe, lugcinwe, lubuyekezwe, lushintshwe, lusatshalaliswe) uma:

- (a) Isihloko somniningo siyakuvumela;

- (b) Umuntu ofanelekayo (umzali noma umnakekeli) lapho isihloko somniningo kuyingane, uyakuvumela;
- (c) Kuyadingeka ukuthatha izinyathelo zokwenziwa kwezivumelwano noma zokusebenza kwezivumelwano lapho isihloko somniningo siyingxenyeye yako.
- (d) Kuthobela isibopho esibekwe ngumthetho engxenyeni ethinkekayo.
- (e) Kuvikela intshisekelo esemthethweni yesihloko somniningo; noma
- (f) Kuyadingeka ukuze kulandelelwe izintshisekelo ezisemthethweni zengxenyeye ethintekayo noma zengxenyeye yesithathu enikezwa ulwazi.

Ingabe isihloko somniningo singahoxisa imvume futhi siphikise ukucutshungulwa?

- Yebo, isihloko somniningo (noma umzali noma umnakekeli wengane) singahoxisa noma nini imvume yaso ezimweni lapho imvume inikwe khona.

Isihloko somniningo, ngaphandle uma umthetho uvumela ukucutshungulwa okunjengalokhu, siphikisa ngezizathu ezizwakalayo ukucutshungulwa kolwazi lomuntu siqu yi-DBE ezimweni lapho ukucutshungulwa:

- (a) Kuvikela intshisekelo esemthethweni yesihloko somniningo, noma
- (b) Ingabe kuyadingeka ukulandela izithakazelo ezisemthethweni zommeli noma zengxenyeye yesithathu enikezwa ulwazi?

Lokhu kuphikisa kufanele kwenziwe ngendlela emisiwe.

Isihloko somniningo singahle futhi siphikise ukucutshungulwa kolwazi lomuntu siqu ngezinhloso yentengiso eqondile (okubandakanya ukucela uxhaso lwezimali).

Ukuhoxiswa kwemvume kanye nokuphikiswa kokucutshungulwa

I-POPIA idinga ukuthi ukucutshungulwa kolwazi lomuntu siqu lwesihloko somniningo kumiswe lapho isihloko somniningo siphikisana nakho. I-POPIA ayichazi ngokuqondile

ukuthi kuzokwenzekani uma kwenzeka kuba nokungaboni ngaso linye phakathi kwezingxenywe mayelana nezizathu ukuphikisa okusekelwe phezu kwazo.

Ukucaciswa Kwenhloso

Ulwazi lomuntu siqu lufanele luqoqwe ngenhloso ethile futhi isihloko somniningo okuqoqwa kuso ulwazi lomuntu siqu sifanele saziswe inhloso okwaqoqwa ngayo ulwazi lomuntu siqu. I-POPIA idinga ukuthi inhloso yokuqoqwa ulwazi lomuntu siqu ifanele ibe:

- (a) Icacile
- (b) Ichazwe ngokucacile
- (c) Ngenhloso Esemthethweni ehlobene nomsebenzi noma okwenziwa ummeli

Ulwazi lomuntu siqu akumele lugcinwe isikhathi eside kunesidingekayo ukuze kufezwe inhloso oluqoqelwe yona noma olucutshungelwe yona ngaphandle kwalapho:

- (a) Umthetho udinga isikhathi esinjengalesi sokugcina,
- (b) I-DBE idinga irekhodi elinjengaleli ukwenzela inhloso esemthethweni,
- (c) Ukulugcinwa kusekelwe phezu kwesivumelwano esiphakathi kwezingxenywe,
- (d) Isihloko somniningo sikuvumele lokho kugcinwa, noma
- (e) Umuntu ofanele egameni lengane encane ukuvumile ukugcinwa okunjengalokhu.

Ulwazi lomuntu siqu lungagcinelwa izinhloso zomlando, zezibalo noma zocwaningo isikhathi eside ngaphandle kokuthi kwakhiwe ukuphepha okufanele kwamarekhodi asetshenziselwa ezinye izinjongo.

Ulwazi lomuntu siqu uma lungasagunyazwa ukuthi lugcinwe lufanele lubhujiswe, lucishwe, noma lususwe ukuhlonzwa.

Ukususwa kokuhlonzwa kusho ukucishwa kolwazi—

- (a) Luhlonza isihloko somniningo;

- (b) Lungasetshenziswa noma lusetshenziswe ngendlela ebonakala ingenzeka ukuze lukhombwe isihloko somniningo; noma
- (c) Lungaxhunyaniswa ngendlela ebonakala ingenzeka nolunye ulwazi olukhomba isihloko somniningo.

Okunye Ukucutshungulwa Komkhawulo

Uma ingxenywe ethintekayo iqhubeka nokucubungula ulwazi lomuntu siqu, lokho kucubungula kufanele kuhambisane nenhloso okwaqoqwa ngayo ulwazi. I-POPIA idinga ukuthi okunye ukucutshungulwa kolwazi lomuntu siqu kufanele kuhambisane nenhloso oluqoqwe yona. Empeleni, ulwazi oluqoqelwe inhloso eyodwa alufanele luncutshungulwe futhi lusetshenziselwe enye inqubo.

Ukuhlola ukuhambisana phakathi kwenhloso yokuqoqwa kanye nenhloso yokucutshungulwa, izici ezilandelayo zifanele zibhekwe:

- (a) Ubudlelwano obuphakathi kwenhloso yokuqoqwa kanye nenhloso yokunye ukucutshungulwa;
- (b) Uhlobo lolwazi oluthintekayo;
- (c) Imiphumela yesihloko somniningo yokunye ukucutshungulwa;
- (d) Indlela ulwazi lomuntu siqu oluqoqwe ngayo; kanye
- (e) Namalungelo esivumelwano nezibopho eziphakathi kwezingxenywe.

Okunye ukucutshungulwa kolwazi lomuntu siqu kuvumelekile ezimeni ezithile, okubandakanya, lapho:

- (a) Isihloko somniningo sinikeze imvume;
- (b) Ulwazi lomuntu siqu luyatholakala kwirekhodi lomphakathi; noma
- (c) Isihloko somniningo senze ngamabomu ukuthi ulwazi lomuntu siqu olunjengalolu lutholakale emphakathini.

Ikhwalithi Yolwazi

Ingxenywe ethintekayo ifanele ithathe izinyathelo ezifanele zokuqinisekisa ukuthi ulwazi lomuntu siqu oluqoqiwe luphelele, luyanemba, aludukisi futhi luhambisana nesikhathi. Ngokwenza kanjalo, ingxenywe ethintekayo ifanele ibheke inhloso yokwaqoqwa kolwazi lomuntu siqu.

Ukuvuleleka

Ingxenywe ethintekayo ifanele ivuleleke mayelana nokuqoqwa kolwazi lomuntu siqu ngokwazisa uMlawuli uma lizocubungula ulwazi lomuntu siqu futhi, uma ulwazi lomuntu siqu luzoqoqwa, ingxenywe ethintekayo ifanele ithathe "izinyathelo ezingenzeka ngokunekayo zokuqinisekisa ukuthi isihloko somniningo siyaziswa ukuthi ulwazi lwaso lomuntu siqu luzoqoqwa. Ingxenywe ethintekayo, isibonelo, ifanele ithathe izinyathelo eziphusile zokwenza isihloko somniningo sazi igama nekheli layo, kanye nenjongo lapho ulwazi lomuntu siqu luqoqwa yona.

Ukungathobeli okungenhla okuvunyelwe ezimweni ezilandelayo:

- (a) Isihloko sikuvumele sikuvumile ukungathobeli
- (b) Ukungathobeli kuyadingeka ukuze kuthotshelwe isibopho esingokomthetho
- (c) Ukungathobeli umthetho kuyadingeka ukuze kuqhutshekwe izinqubo zamacala enkantolo
- (d) Ukungathobeli imithetho kuyadingeka ukuze kuzuze ukuphepha kwezwe
- (e) Ukuthobela umthetho kuzophazamisa inhloso esemthethweni yokuqoqwa
- (f) Ukuthobela umthetho akwenzeki ngendlela ephusile kulezo zimo
- (g) Ulwazi ngeke lusetshenziswe ngendlela ehlonza isihloko somniningo
- (h) Ulwazi luzosetshenziselwa izinhloso zomlando, zezibalo noma zocwaningo.

Ukuphepa Kokuvikelwa

Ingxenywe ethintekayo ifanele iqinisekise ukuthi ubuqotho bolwazi lomuntu siqu ekulawuleni kwalo luvikelwe ngezinyathelo zobuchwepheshe nezenhlangano ukuze kunqandwe:

- (a) Ukulahleka, ukulimala noma ukucekela phansi okungagunyaziwe kolwazi lomuntu siqu; kanye
- (b) Nokufinyeleleka noma ukucutshungulwa kolwazi lomuntu siqu okungekho emthethweni.

Ingxenywe ethintekayo ifanele:

- (a) Ihlonze zonke izingozi ezingase zibonakale kulwazi lomuntu siqu;
- (b) Isungule futhi igcine izivikelo ezifanele ezingozini;
- (c) Iqinisekise njalo ukuthi izindlela zokuvikela zisetshenziswa ngempumelelo; futhi
- (d) Iqinisekise ukuthi izindlela zokuvikela zivuselelwa njalo.

Ukubamba Iqhaza Kwesihloko Somniningo

Izihloko zomniningo zinelungelo lokucela ukuthi ingxenywe ethintekayo iqinisekise (mahhala) ukuthi iphethe ulwazi lomuntu siqu mayelana nesihloko somniningo, futhi ingase icele incazelo yalolo lwazi.

Ngokwesahluko se-10 soMthetho we-POPI, ulwazi lomuntu siqu lungasetshenzwa kuphela uma izimo ezithile, ezishiwo ngezansi, zifeziwe:

- a) Izihloko zomniningo noma umuntu ofanelekayo lapho isihloko somniningo kuyingane, zivuma ukucutshungulwa; noma
- b) Ukucutshungulwa kuyadingeka ukuze kwenziwe izezo zokwenziwa noma zokusebenza kwezivumelwano lapho isihloko somniningo siyingxenywe yako; noma
- c) Ukucutshungulwa kuhambisana nesibopho esibekwe umthetho engxenyeni ethintekayo; noma
- d) Ukucutshungulwa kuvikela intshisekelo esemthethweni yesihloko somniningo; noma

e) Ukucutshungulwa kuyadingeka ukuze kulandelelwe izintshisekelo ezisemthethweni zengxenywe ethintekayo noma zengxenywe yesithathu enikezwa ulwazi.

Ukufingqwa kwamaphuzu abalulekile

ISahluko sesi-4 se-POPIA sisho lezi zimo eziyisishiyagalombili ezilandelayo zokucutshungulwa okusemthethweni kolwazi njengoba kukhonjisiwe ngenhla.

ISIQEPHU SESI-4:

UKUVIKELA ULWAZI LOMUNTU SIQU

I-DBE ivikele ukwethembeka nobumfihlo bolwazi lomuntu siqu olugcinwe yiyo noma olungaphansi kolwalo lwayo ngokuthatha izinyathelo ezifanele, ezifanelekile zobuchwepheshe nenhlangano ukuvimbela ukulahleka, noma ukulinyazwa, noma ukubhujiswa okungagunyaziwe, ukufinyelela okungekho emthethweni kolwazi lomuntu siqu.

I-DBE isebenzisa izimiso eziqinile zokuphepha komniningo, ngokuvumelana nemithetho kahulumeni wonke, uma kuziwa ekugcinweni kwamaqoqo emininigo okuqala. Ukuhlaziywa komniningo okudingekayo ukuze kuthotshelwe i-NEPA empeleni kubandakanya abahlaziyi abasebenza ngomniningo okumakhompyutha abo, lapho i-softhiwe yokuhlaziya izibalo ilodwe khona. Umsebenzi onjengalona ungagxila ekuqapheni, ocwaningweni, ekwakhiweni kwesimo noma ekuqinisekiseni kwekhwalithi yomniningo.

Ekukhuthazeni izinhloso ze-NEPA, kungahle kudingeke ukuthi abahlaziyi ezinhlanganweni zikahulumeni ezingaphandle kwase-DBE basebenze ngemininingo equkethe ulwazi lomuntu siqu. Ukuze kuncishiswe ingozi yokwebiwa noma okunye ukwabelana okungagunyaziwe kolwazi lomuntu siqu, zimbili izinto ezidingekayo. Okokuqala, isikhathi lapho ulwazi lomuntu siqu luhlala kwikhompyutha yomuntu siqu sifanele sincishiswe. Okwesibili ukuphathwa kwekhompyutha yomuntu siqu okukhulunywa ngayo ngenkathi kugcinwa imininigwane yomuntu siqu, kufanele kuvikeleke ngokwanele.

I-POPIA idinga ukuthi ulwazi lomuntu siqu elugcinile luvikelwe. Ukucutshungulwa kubandakanya izindlela ezizenzakalelayo nezingazenzakaleli. I-DBE ifanele ithathe izinyathelo ezifanele zokunqanda:

- (a) Ukulahleka, ukulimala noma ukucekelwa phansi okungagunyaziwe kolwazi lomuntu siqu; kanye
- (b) Nokufinyeleleka noma ukucutshungulwa kolwazi lomuntu siqu okungekho emthethweni.

Ulwazi lomuntu siqu lungahle lulahleke, lulimale noma lufinyeleleke ngokungekho emthethweni ngezindlela ezihlukahlukene, ezibandakanya:

- (a) Ukwebiwa kwemibhalo noma kwamarekhodi e-elektroniki,
- (b) Amavayirasi ekhompyutha,
- (c) Ukungasebenzi kahle kwamakhompyutha,
- (d) Ukugetshengwa kolwazi,
- (e) Ukulimala ngengozi okudalwe abasebenzi noma osonkontileka, noma
- (f) Izinhlekelele zemvelo.

Uhlelo lwezokuphepha lwe-IT olusebenzayo lubandakanya ukuvikela ihadiwe yekhompyutha kanye nolwazi lomuntu siqu olugcinwe kuhadiwe.

Izinyathelo ezilandelayo zibalulwe kwi-POPIA:

Ukuhlonza zonke izingozi ezingahle zibonakale kulwazi lomuntu siqu. Ukuhlolwa kobungozi

olwazini lomuntu siqu kungabaluleka, futhi i-LSSA iphakamisa ukuthi abameli bakwenze lokhu. Ukuhlolwa kobungozi kufanele kufake lokhu okulandelayo-

- Ukuphawula uhlobo lolwazi lomuntu siqu oluse-DBE,
- Ukuphawula ubungozi obubalulekile obukhona ekuqoqweni, ekugcinweni nasekucutshungulweni kolwazi lomuntu siqu, kanye
- Nemithelela yezihloko zomningo uma imininingwane yazo yomuntu siqu ilahleka, ifinyelelwe ngokungekho emthethweni noma yonakaliswe.

Uma sekucacile ngezinguzi ezibandanyekayo olwazini lomuntu siqu, ufanele anqume ngezindlela zokuvikela ezifanele.

Ukufingwa kwamaphuzu abalulekile

- (a) Uhlelo lwezokuphepha lwe-IT olusebenzayo lubandakanya ukuvikela ihadiwe yekhompuyutha kanye nolwazi lomuntu siqu olugcinwe kuhadiwe.
- (b) I-Cloud computing ithatha izinhlobo ezahlukene futhi ezimweni eziningi izoholela ekucutshungulweni okungahlosiwe kolwazi lomuntu siqu lwezihloko zemininngqo.

ISIXHUMELO A: UHLU LOKUHLOLA LWE-POPIA

A. KHETHA UMGCINILWAZI

- (1) Kululekwa ukuba kuqokwe uMgcinilwazi oyedwa wakho kokubili i-PAIA kanye ne-POPIA.
- (2) Kululekwa ukuba kuqokwe uSekela-Mgcinilwazi oyedwa wakho kokubili i-PAIA kanye ne-POPIA.
- (3) Vumela ngokusemthethweni izindima nemisebenzi yMgcinilwazi kanye noSekela-Mgcinilwazi, okubandakanya izinhloko zokubika kanye nokubika okuyisibopho njalo [isikhathi eside kakhulu esibekiwe sifanele sibe inyanga nenyanga)
- (4) Qedela inqubo yokuqokwa ngokusemthethweni ngokukhipha incwadi yokuqokwa enendima nomsebenzi.

B. INQUBO

- (1) Inqubo elandelwayo ifanele ibe inqubo efanayo nelandelwa inqubo eyisisekelo yokuPhathwa Kobungozi.
- (2) Ubungozi kanye namathuba kufanele kucatshangelwe, futhi ukongiwa kwezindleko kufanele kube umhlahlandlela.
- (3) Izimo ezehlukene ezinezenzo eziningi zokunciphisa zifanele zenziwe
- (4) Ukunciphisa kulokhu kuzoba isinyathelo esiqinisekisa ukuthotshelwa komthetho kwizingozi ezibalulekile eziphawuliwe.

C. UKUHLAZIYWA KWEGEBE

- (1) Ukuqinisekisa ukuthi okusetshenziswana nabo ababalulekile bangaphakathi bayingxenye yale nqubo noma bangxenye yabasebenzi abavela ezimagatsheni ahlukene
- (2) Ukuhlola nokubuyekeza inqubo ekhona kanye nezingozi ngokumelene ne-POPIA

- (3) Ukubeka izinhloso zesikhashana nokulindelwe kokucina kokuthobela uMthetho we-POPI.
- (4) Ukusebenzisa indlela esekelwe ebufakazini

D. UKUHLAZIYWA KWENQUBO NOKUGCINWA KOLWAZI LABANTU SIQU

- (1) Lesi sahluko siyingxenywe ebalulekile yeNqubomgomo.
- (2) Ukusebenzisa izincazelo ze-POPIA kanye nezinhlobo zamarekhodi.
- (3) I-POPIA idinga okungenani ubuncane obuyi-6: imvume, inhloso, umthombo, ukwabelana, ukucekelwa phansi.
- (4) Ubhalwa phansi kolwazi oludingekayo kuphela.
- (5) Ukuqinisekisa ukuthi ilungelo lokufinyeleleka nokubhalwa phansi kolwazi kuyadingeka [bheka i-POPIA, eneminingwane yamalungelo okufinyelela kanye nesixhumanisi solwazi lwebhizinisi oludingekayo].
- (6) Ukucabangela amalungelo abasebenzisi kanye nokuphathwa kwawo ngokweNqubomgomo ye-ICT.
- (7) Ukugcinwa komniningo wedijithali kufanele kucatshangwe ngokokufinyelela [amaphasiwedi], umkhawulo wabasebenzisi [ukufinyeleleka] kanye nenqubomgomo yamaphasiwedi [ukuphelelwa yisikhathi okuphoqelekile okudinga ushintsho, isakhiwo esichaziwe - ubude obuncane, izinhlamvu ezikhethekile] njll.
- (8) Ulwazi olusekelwe emaphepheni lufanele lugcinwe ngokuphephile futhi lapho ulwazi lungadingeki [kuye nge-SARS, izidingo zobunhloli Bezezimali i-FICA, njll.]

E. SEBENZISA IZINQUBOMGOMO ZOKUTHOBELA KWE-POPIA

- (1) Buyekeza kwazonke izinqubomgomo zamanje zomthelela we-POPIA.
- (2) Qinisekisa ukuthi izinqubomgomo nezinqubo zifanelekile futhi zanele.
- (3) Izinqubomgomo zisetshenziswa kuphela uma ziqashiwe futhi ziphoqelelwa. Ukwehluleka kuwubudedengu ohlangothini lwabaphathi.

- (4) Qinisekisa ukuthi iNqubomgomo iyasatshalaliswa futhi ifakiwe kuwo wonke amamanuwali enqubomgomo yabo bonke abasebenzi.
- (5) Ukusebenzisa indlela ephusile ukuze kufinyelelwe eziphethweni ezingathenjwa nezikhiqizekayo ngenqubo echaziwe nehlelekile. Imiphumela yendlela yokwenza noma isilinganiso kufanele sibe ngesifanele, sanele futhi siqinisekiswe.
- (6) Lokhu kufanele kuchazwe ngokulandayo ngokwezidingo ze-POPIA
- (7) Qinisekisa ukuthi iNqubomgomo ichazelwe bonke abasebenzi futhi iqondwa ngokuphelele ngokuthi abasebenzi basayine ukuthi baziqondisile izinhloso nezinqubo zokuqinisekisa ukuthi umningo uqoshwa futhi ugcinwe nini futhi kanjani.
- (8) Uhlaka kufanele kuxoxwe ngalo nabasebenzi okungenani njalo ngekota ukuze kuqinisekiswe ukuvikela futhi ukunciphisa ubungozi kusasebenza futhi kubalulekile.
- (9) Amaqembu okusetshenziswana nawo afanele athole isaziso esifanele esiklanyelwe ngokukhethekile amaqembu ahlukehukene ahlosiwe.
- (10) Izingozi zezingxenywe ezintathu zifanele ziphathwe ngokukhethekile.

F. AMA-WEBSITE KANYE NENYE IWEBHU EVIKELWE KANYE NEZIZINDA ZOKUGCINA KU-INTANETHI

- (1) Sungula inqubo yokubuyekeza amawebhusayithi.
- (2) Qinisekisa ukuthi ukuzihlangula kwanele.
- (3) Qinisekisa ukuthi alukho ulwazi lomuntu siqu olubheke ngaphandle [okungukuthi olubonakala kubasebenzisi].
- (4) Qinisekisa ukuthi ulwazi lwenqolobane nolwazi lomuntu siqu luvikelekile ohlelweni olungayilungele ikhompuyutha, kwi-cyber kanye nokunye ukungena kwedijithali.
- (5) Yakha indlela yohlelo yokubeka uphawu olubomvu engcupheni ephezulu nolwazi olubalulekile.

- (6) Qinisekisa ukuthi i-ICT amazinga enezilinganiso ayasebenziswa futhi uthola isiqiniseko esisemthethweni kubahlinzeki bokusingatha kanye nakwezinye izinsizakalo zewebhusayithi ezisetshenziswayo.
- (7) Konke ukuncishiswa kobungozi kudinga uhlelo lwenhlekelele, qinisekisa ukuthi lokhu kwenzelwa i-POPIA – lokhu kuvame ukujwayeleka futhi kufaka uhlelo lokuxhumana uma kwenzeka kuba nokwep hulwa kwemithetho.

G. IMANUWALI YE-POPIA

- (1) Qinisekisa ukuthi imanuwali yakho ye-POPIA ilungile futhi abasebenzi baqeqeshiwe mhla zi-1 July 2021
- (2) Uma isivele ikhona, buyekeza imanuwali yakho ye-POPIA.
- (3) Qinisekisa ukuthi imanuwali yakho ilandela ifomethi enqunyiwe ngokwe-POPIA kanye namazinga aphantsi.
- (4) Lokhu kubhekisela kubaphakeli kanye nabahlinzeki bezinsiza abaphuma ngaphandle okufaka ubungozi obukhethekile njengoba bekwazi ukufinyeleleka olwazini lomuntu siqu futhi ezikhathini eziningi bekwazi ukufinyeleleka kumafayela nolwazi lwedijithali . Indawo yokugcina amaphepha yangaphandle idinga ukuncishiswa kobungozi kwayo.

I. UKUQEQESHA NGOKUTHOTSHELWA KWE-POPIA

- (1) Ukuqeqeshwa kwenziwe kwafanele izidingo.
- (2) Ukuqeqeshwa njengokunye ukuqeqeshelwa ubungozi [i-cyber, i-ICT, njll.] kufanele kuqhubeka futhi kuhambisane nesimo esishintshayo kanye nokuguquka kobungozi.
- (3) Ukuqeqesha ku-inthanethi, futhi nokuqeqeshwa okuxubile kuyinto evamile, futhi kungeke kube khona ukuzithethelela ngokuntula kokuqeqeshwa.

- (4) Isilayidi sesampula yesiBonelo sobuhle bomsebenzi sinanyathiselwe ukuze kuxoxiswane nabo bonke abasebenzi abathintekayo ngomningo kanye nolwazi lomuntu siqu.
- (5) Imiphumela noma izibalo ezingajwayelekile uma ziqhathaniswa nemiphumela eminingi [okujwayelekile]

J. UKUTHOTSHELWA KWE-POPIA KUFAKWE KWINQUBO YOMSEBENZI

- (1) I-POPIA kufanele ithathwe njengokunye ukuphathwa kobungozi e-DBE futhi kufanele ibandakanywe kuzo zonke izinqubo zomsebenzi ezifanele.
- (2) Izinqubo nezinhlelo kumele zibandakanywe ngokungenaphutha kuyo yonke inqubo yomsebenzi.
- (3) Njengakho konke ukuphathwa kobungozi, kudinga ukuphikelela nokubuyezwa ukuze kuqinisekise imikhuba, izimiso; iqoqomthetho ubuyezwa kukho kokubili ubungozi namathuba.
- (4) Ukuphathwa kobungozi kufanele kubuyezwe ukuthi kunamthelela muni ekufezweni kwezinhloso zawo, omubi kanye nomuhle.
- (5) Umthelela omubi ongaba khona ungahle udinge ukuncishiswa, futhi amathuba angabanjwa. Nokho-ke, ekugcineni lezi zonke izinqumo zomsebenzi.