



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SA KWAZULU-NATALI

Provincial Gazette • Provinciale Koerant • Igazethi Yesifundazwe

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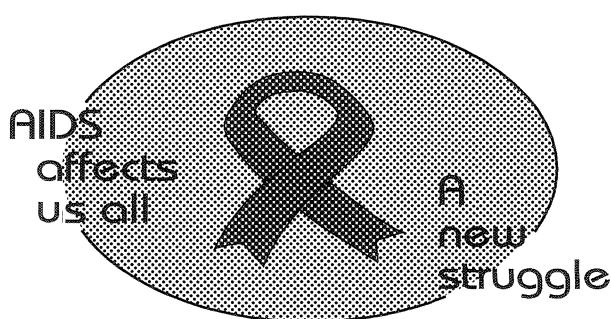
Vol. 7

PIETERMARITZBURG,

4 NOVEMBER 2013
4 KULWEZI 2013

No. 1047

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PROVINCIAL NOTICE—PROVINSIALE KENNISGEWING—ISAZISO SESIFUNDAZWE**No. 175****4 November 2013****KWAZULU-NATAL DEPARTMENT OF ARTS, CULTURE, SPORT & RECREATION
REGULATION NOTICE****KWAZULU-NATAL ARCHIVES AND RECORDS SERVICE REGULATIONS, 2013**

By virtue of powers vested in me in terms of section 24 of the KwaZulu-Natal Archives and Records Service Act, 2011 (Act No.8 of 2011), I intend to make Regulations as set out in the Schedule.

Interested persons are requested to submit comments, inputs or representations to the Head of Department, Department of Arts & Culture, for the attention of Ms Gugu Mnyandu, 1st floor, 171 Boshoff, Pietermaritzburg, 3201, Private Bag X9140, Pietermaritzburg 3200; Fax: 0867252689 or email mnyandug@kzndac.gov.za

Given under my Hand at PIETERMARITZBURG... this ...!!.... day of JUNE....., Two thousand and thirteen.

**N.N SIBHIDLA-SAPHETHA**

Member of the Executive Council of the Province of KwaZulu-Natal
responsible for Arts, Culture, Sport & Recreation

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DEFINITIONS**

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**PART 2
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2. Application for the transfer of public records
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**PART 1
DEFINITIONS**

Definitions

1. In these Regulations "the Act" means the KwaZulu-Natal Archives and Records Service Act 2011 (Act No. 8 of 2011), and any word or expression to which a meaning is assigned in the Act bears the meaning so assigned to it and, unless the context otherwise indicates –

"head of an archives repository" means an employee appointed in terms of Public Services Act, 1994 (Proclamation No. 103 of 1994), and who is in charge of an archives repository established in terms of section 20 of the Act;

"records manager" means an employee of any governmental body designated as a records manager of the governmental body concerned in terms of section 18(8) of the Act;

"strong room" means a secured room or place in an archives repository where records are stored.

**PART 2
TRANSFER OF RECORDS**

Application for the transfer of public records

2.(1) A governmental body wishing to transfer public records to an archives repository, must obtain written permission to do so from the Provincial Archivist.

(2) A request to the Provincial Archivist to transfer public records must –

(a) be in writing;

(b) be accompanied by a transfer list, which must –

(i) describe each item to be transferred;

(ii) record the date of each item or the beginning and end date of each item;

- (iii) record the reference number of each item; and
 - (iv) indicate the linear metres required to store the item or items concerned;
- (c) contain the reference number of the relevant disposal authority, if such disposal authority was obtained from the Provincial Archivist in terms of section 18(2) of the Act; and
 - (d) be accompanied by such other information as the Provincial Archivist may require.
- (3) A request to the Provincial Archivist for permission to transfer public records without a disposal authority must include a summary of items stating the following –
- (a) the type of record;
 - (b) the office of origin;
 - (c) an indication –
 - (i) of the nature of the records classification system used;
 - (ii) whether the records classification system was approved by the Provincial Archivist; and
 - (iii) whether the records classification system is still in use.
- (4) The Provincial Archivist may, upon receipt of a request for the transfer of public records –
- (a) require further information or documents; or
 - (b) issue instructions or special conditions relating to the transfer of such public records.
- Transfer of public records to the archives repository**
- 3.(1) Records transferred to an archives repository, must –
- (a) be accompanied by a transfer list;
 - (b) be arranged in the same sequence followed in the transfer list; and
 - (c) be packed in suitable containers in accordance with the directives issued by the Provincial Archivist in terms of regulation 2(4).
- (2) The Provincial Archivist or his or her authorised representative, must acknowledge receipt of the transferred public records by signing a copy of the accompanying transfer list.

- (3) The Provincial Archivist, may, subject to such terms and conditions as he or she may determine, temporarily return the records transferred to an archives repository in terms of regulation 3(1) to the governmental body which transferred such records or its successor: Provided that such records shall be returned to the archives repository –
- (a) within 60 days of receipt; or
 - (b) on such other date as the Provincial Archivist may determine.

- (4) All costs relating to the transfer and temporary return of public records shall be borne by the governmental body –
- (a) transferring the records; or
 - (b) requesting the temporary return of the records in terms of regulation 3(3).

PART 3 ACCESS AND USE OF ARCHIVALIA

Access and use of archivalia

4.(1) The members of the public, shall, subject to these Regulations, the Act, the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) and any other applicable law, be allowed to view archivalia in an archives repository: Provided that such viewing of archivalia –

- (a) must take place in the reading room of that archives repository; or
- (b) may only take place in the strong room of an archives repository with the approval of the head of that archives repository.

(2) The head of an archives repository may require a member of the public who seeks admission to an archives repository to –

- (a) present an identity document or any other form of identification acceptable to the head of an archives repository;
- (b) complete and sign a register recording such information as may be required by the head of an archives repository; or
- (c) complete a request for the archivalia required for viewing.

(3) The head of an archives repository may determine –

- (a) the condition under which the archivalia may be viewed;
- (b) the number of archivalia that may be viewed simultaneously;
- (c) rules and procedures that must be observed by the members of public when viewing archivalia in an archives repository;
- (d) whether archivalia may be copied;
- (e) the length of time for which a user may use any facility provided by an archives repository; and
- (f) the number of copies that may be made using the facilities provided by an archives repository.

(4) When viewing archivalia in an archives repository, a member of the public –

- (a) must exercise the greatest care in handling such archivalia;
- (b) must not disturb the order of archivalia;
- (c) must report to the head of an archives repository or any designated officer in the archives repository, any damage or disturbance in the order of archivalia caused or discovered by the member of public; and
- (d) may not write or make any mark on any archivalia.

(5) The head of an archives repository may, subject to subregulation (8), deny a member of the public access to an archives repository if he or she –

- (a) fails to comply with –
 - (i) these regulations;
 - (ii) the conditions, rules and procedures issued by the head of an archives repository in terms of regulation 4(3);
- (b) damages or marks archivalia;
- (c) behaves in inappropriate manner in the archives repository; or
- (d) disturbs the order in which archivalia is kept.

(6) The head of an archives repository must report in writing to the Provincial Archivist, every incident where he or she denied a member of public access to an archives repository in terms of regulation 3(5).

(7) The report contemplated in subregulation (6) must be –

- (a) accompanied by detailed reasons in support of the decision to deny the member of public concerned access into an archives repository; and
- (b) delivered to the Provincial Archivist before the expiry of 48 hours after the decision to deny the member of public concerned access into an archives repository.

(8) The Provincial Archivist may, upon receipt of the report contemplated in regulation 4(7) –

- (a) on good reason, ratify the decision of the head of an archives repository; or
- (b) if he or she believes that the decision of the head of archives repository to deny a particular member of public access to an archives repository, was –
 - (i) unreasonable;
 - (ii) without good reason; or
 - (iii) irrational,

overrule the decision of the head of an archives repository and direct the head of an archives repository to grant access to the person concerned to an archives repository.

PART 4 MANAGEMENT AND CARE OF PUBLIC RECORDS

Management of Public Records

5.(1) The head of a governmental body must ensure that –

- (a) all records under his or her control are –
 - (i) properly maintained;
 - (ii) protected by appropriate security measures;
 - (iii) managed in terms of these regulations, the Act, the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) or any other applicable legislation;
- (b) a records classification system approved by the Provincial Archivist is used;
- (c) all directives issued by the Provincial Archivist are complied with;
- (d) all information relating to the records of the governmental body requested by the Provincial Archivist is provided;

- (e) all cases of serious damage, loss, or unauthorised destruction of records are reported to the Provincial Archivist; and
- (f) the Provincial Archivist is provided with a certificate of destruction whenever records are destroyed, unless exempted in terms of section 18(9) of the Act.

(2) The head of a governmental body must report to the Provincial Archivist the intention of that governmental body to –

- (a) microfilm records; or
- (b) introduce an electronic records system.

(3) The Provincial Archivist may issue directives to the head of a governmental body relating to the –

- (a) management and care of public records;
- (b) transfer of records to an archives repository;
- (c) preparation of records for destruction;
- (d) procedure for an application for the –
 - (i) approval of a records classification system;
 - (ii) issue of a disposal authority;
 - (iii) revision of an approved records classification system;
 - (iv) the procedure to be followed when informing the Provincial Archivist of a governmental body's intention to microfilm records or to introduce an electronic records system.

(4) Any head of a governmental body intending to transfer public records to an off-site storage facility or any other site outside of the ordinary premises of the governmental body concerned, as contemplated in subsection 18(2)(b) of the Act, must –

- (a) at least 30 days before the date of intended date of transfer, request the Provincial Archivist's authorisation in terms of section 18(2) of the Act, in writing;
- (b) provide the Provincial Archivist with the details of an off-site storage facility or any other site outside of the ordinary premises of the governmental body concerned; and
- (c) provide the Provincial Archivist with such other information that the Provincial Archivist may require in terms of subregulation (5).

(5) The Provincial Archivist may, upon receipt of the request in terms of subregulation (4) –

- (a) inspect the off-site storage facility or any other site outside of the ordinary premises of the governmental body concerned, in order to determine its suitability;
- (b) require to inspect any plans, drawings or diagrams necessary to determine the suitability of the identified premises;
- (c) require the head of the relevant governmental body to provide such further information or documents, that are necessary to determine the suitability of the identified premises; and
- (d) require to inspect the mode of transport to be used in transporting the records to an off-site storage facility or any other site outside of the ordinary premises of the governmental body concerned.

Records Manager

6.(1) The official designated by the head of a governmental body in terms of section 18(8) of the Act as a records manager must –

- (a) be in possession of an appropriate university or technikon qualification or appropriate professional experience in the field of archives and records management;
- (b) have successfully completed the archives and records management course, approved by the Provincial Archivist;
- (c) have a thorough knowledge of the organisational structure, functions, and records system of the governmental body concerned; and
- (d) be appointed to a post level not below that of an assistant manager.

PART 5 SHORT TITLE

Short title

7. These Regulations are called the KwaZulu-Natal Archives and Records Service Regulations, 2013.

No. 175

4 November 2013

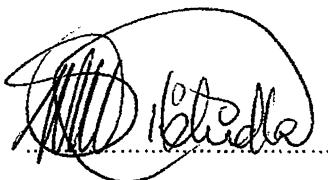
**KWAZULU-NATAL DEPARTMENT VAN KUNS, KULTUUR, SPORT &
ONTSPANNING
KENNISGEWING VAN BEPALINGS**

**BEPALINGS AANGAANDE DIE KWAZULU-NATAL ARGIEF- EN REKORDDIENS,
2013**

Kragtens die bevoeghede wat aan my verleen is ooreenkomstig afdeling 24 van die Wet op die KwaZulu-Natal Argief- en Rekorddiens, 2011 (Wet Nr.8 van 2011), is ek van voornerne om Bepalings te maak soos uiteengesit in die Bylae.

Belangstellendes word versoek om kommentare, insette of vertoë te rig aan die Hoof van die Departement, Departement van Kuns & Kultuur, vir die aandag van Me. Gugu Mnyandu, 1^{ste} vloer, Boshoffstraat 171, Pietermaritzburg, 3201, Privaatsak X9140, Pietermaritzburg 3200; Faks: 0867252689 of epos: mnyandug@kzndac.gov.za

Deur my onderteken te... PIETERMARITZBURG hierdie !!..... dag van JUNE....., Tweeduiseend en dertien.



N.N SIBHIDLA-SAPHETHA

Lid van die Uitvoerende Raad van die Provincie van KwaZulu-Natal
verantwoordelik vir Kuns, Kultuur, Sport & Ontspanning

BYLAE**RANGSKIKKING VAN AFDELINGS***Bepaling***AFDELING 1
DEFINISIES****1. Definisies****AFDELING 2
OORPLASING VAN REKORDS**

2. Aansoek vir die oorplasing van openbare rekords
3. Ooplasing van openbare rekords na die argiefbewaarplek

**AFDELING 3
TOEGANG TOT EN GEBRUIK VAN ARGIEFMATERIAAL**

4. Toegang tot en gebruik van argiefmateriaal

**AFDELING 4
BESTUUR EN VERSORGING VAN OPENBARE REKORDS**

5. Bestuur van Openbare Rekords
6. Rekordbestuurder

**AFDELING 5
KORT TITEL**

7. Kort Titel

AFDELING 1 DEFINISIES

Definisies

1. In hierdie Bepalings beteken "die Wet" die Wet op die KwaZulu-Natal Argief- en Rekorddiens 2011 (Wet Nr. 8 van 2011), en enige woord of uitdrukking waaraan daar 'n betekenis geheg word in die Wet, dra die betekenis wat sodoende daaroor geheg is en, tensy die konteks iets anders aandui –

beteken "hoof van 'n argiefbewaarplek" 'n werknemer wat aangestel is ooreenkomsdig die Wet op Openbare Dienste, 1994 (Proklamasie Nr. 103 van 1994), en wat in beheer is van 'n argiefbewaarplek wat ooreenkomsdig afdeling 20 van die Wet opgerig is;

beteken "rekordbestuurder" 'n werknemer van enige regeringsliggaam wat as 'n rekordbestuurder van die betrokke regeringsliggaam aangestel is ooreenkomsdig afdeling 18(8) van die Wet;

beteken "kluis" 'n veilige kamer of plek in 'n argiefbewaarplek waar rekords gestoor word.

AFDELING 2 OORPLASING VAN REKORDS

Aansoek vir die oorplasing van openbare rekords

2.(1) 'n Regeringsliggaam wat openbare rekords na 'n argiefbewaarplek wil oorplaas, moet skriftelike toestemming van die Provinciale Argivaris kry om dit te doen.

(2) 'n Versoek aan die Provinciale Argivaris om openbare rekords oor te plaas, moet –

- (a) op skrif wees;
- (b) vergesel word van 'n oorplasingslys, wat –
 - (i) elke item beskryf wat oorgeplaas word;

- (ii) die datum van elke item of die begin- en einddatum van elke item aandui;
 - (iii) die verwysingsnommer van elke item aandui; en
 - (iv) die lineêre meters aandui wat vereis word om die betrokke item of items te stoor;
- (c) die verwysingsnommer van die toespaslike bewaringsmagtiging, indien so 'n bewaringsmagtiging vanaf die Proviniale Argivaris verkry is ooreenkomstig artikel 18(2) van die Wet; en
- (d) vergesel word van enige ander inligting wat die Proviniale Argivaris dalk vereis.

(3) 'n Versoek aan die Proviniale Argivaris vir toestemming om openbare rekords sonder 'n bewaringsmagtiging oor te plaas, moet 'n opsomming van items insluit wat die volgende aandui –

- (a) die soort rekord;
- (b) die kantoor waar dit ontstaan het;
- (c) 'n aanduiding –
 - (i) van die soort rekordklassifikasiestelsel wat gebruik is;
 - (ii) of die rekordklassifikasiestelsel deur die Proviniale Argivaris goedgekeur is; en
 - (iii) of die rekordklassifikasiestelsel nog gebruik word.

(4) Die Proviniale Argivaris kan, wanneer 'n versoek vir die oorplasing van openbare rekords ontvang word –

- (a) verdere inligting of dokumente vereis; of
- (b) instruksies of spesiale voorwaardes gee in verband met die oorplasing van sulke openbare rekords.

Oorplasing van openbare rekords na die argiefbewaarplek

3.(1) Rekords wat na 'n argiefbewaarplek oorgeplaas word, moet –

- (a) vergesel word van 'n oorplasingslys;
- (b) in dieselfde volgorde gerangskik word as wat op die oorplasingslys gevolg word; en

(c) in gesikte houers gepak word in ooreenstemming met die voorskrifte wat deur die Provinciale Argivaris uitgerek is ooreenkomsdig bepaling 2(4).

(2) Die Provinciale Argivaris of sy of haar gemagtigde verteenwoordiger moet ontvang van die oorgeplaasde openbare rekords erken deur 'n afskrif van die bygaande oorplasingslys te teken.

(3) Die Provinciale Argivaris kan, onderhewig aan enige bepalings en voorwaardes wat hy of sy kan bepaal, die rekords wat na 'n argiefbewaarplek oorgeplaas is ooreenkomsdig bepaling 3(1) tydelik teruggee aan die regeringsliggaam wat hierdie rekords oorgeplaas het of aan die opvolger daarvan: Op voorwaarde dat hierdie rekords

(a) binne 60 dae van ontvangs daarvan; of

(b) op enige ander datum wat deur die Provinciale Argivaris bepaal kan word, aan die argiefbewaarplek teruggegee word.

(4) Alle kostes in verband met die oorplasing en tydelike teruggawe van openbare rekords sal gedek word deur die regeringsliggaam –

(a) wat die rekords oorplaas; of

(b) wat vra dat die rekords tydelik teruggegee word ooreenkomsdig bepaling 3(3).

AFDELING 3 TOEGANG TOT EN GEBRUIK VAN ARGIEFMATERIAAL

Toegang tot en gebruik van argiefmateriaal

4.(1) Die lede van die publiek sal, onderhewig aan hierdie Bepalings, die Wet, die Wet op die Bevordering van Toegang tot Inligting, 2000 (Wet nr. 2 van 2000) en enige ander toepaslike wet, toegelaat word om argiefmateriaal in 'n argiefbewaarplek te besigtig: Op voorwaarde dat hierdie besigtiging van argiefmateriaal –

(a) in die leeskamer van daardie argiefbewaarplek gedoen word; of

(b) slegs met die toestemming van die hoof van daardie argiefbewaarplek in die kluis van 'n argiefbewaarplek mag plaasvind.

(2) Die hoof van 'n argiefbewaarplek kan van 'n lid van die publiek wat toegang tot 'n argiefbewaarplek wil hê, verwag om –

- (a) sy of haar identiteitsdokument of enige ander vorm van identifikasie wat vir die hoof van die argiefbewaarplek aanvaarbaar is, te toon;
- (b) 'n register in te vul en te teken waarin enige inligting opgeteken word wat deur die hoof van 'n argiefbewaarplek vereis kan word; of
- (c) 'n aansoek in te vul vir die argiefmateriaal wat besigtig wil word .

(3) Die hoof van 'n argiefbewaarplek kan die volgende bepaal –

- (a) die voorwaarde waarop die argiefmateriaal besigtig mag word;
- (b) die hoeveelheid argiefmateriaal wat gelyktydig besigtig mag word;
- (c) reëls en procedures wat deur lede van die publiek nagekom moet word wanneer hulle argiefmateriaal in 'n argiefbewaarplek besigtig;
- (d) of 'n afskrif van die argiefmateriaal gemaak kan word;
- (e) hoe lank iemand enige fasilitet kan gebruik wat deur 'n argiefbewaarplek voorsien word; en
- (f) die aantal afskrifte wat gemaak kan word wanneer die fasiliteite gebruik word wat deur 'n argiefbewaarplek voorsien word.

(4) Wanneer 'n lid van die publiek argiefmateriaal in 'n argiefbewaarplek besigtig, moet hy of sy –

- (a) hierdie argiefmateriaal baie versigtig hanteer;
- (b) nie die volgorde van die argiefmateriaal versteur nie;
- (c) enige skade aan argiefmateriaal of die versteurde volgorde daarvan wat deur die lid van die publiek veroorsaak of ontdek is, aan die hoof van 'n argiefbewaarplek of enige aangewese beampte in die argiefbewaarplek rapporteer
- (d) nie op enige argiefmateriaal skryf of enige merk daarop maak nie.

(5) Die hoof van 'n argiefbewaarplek kan, onderhewig aan subbepaling (8), 'n lid van die publiek toegang tot 'n argiefbewaarplek weier as hy of sy –

- (a) nie voldoen aan –
 - (i) hierdie bepalings nie;
 - (ii) die voorwaardes, reëls en procedures wat deur die hoof van 'n argiefbewaarplek uitgereik is ooreenkomsdig bepaling 4(3) nie;

- (b) argiefmateriaal beskadig of 'n merk daarop maak;
 - (c) hom of haar nie op 'n gepaste manier in die argiefbewaarplek gedra nie; of
 - (d) die volgorde waarin die argiefmateriaal gehou word, versteur.
- (6) Die hoof van 'n argiefbewaarplek moet elke geval waar hy of sy 'n lid van die publiek toegang tot 'n argiefbewaarplek geweier het ooreenkomsdig bepaling 3(5), skriftelik aan die Provinciale Argivaris rapporteer.
- (7) Die verslag wat in subbepaling (6) oorweeg word, moet –
- (a) vergesel word van gedetailleerde redes ter ondersteuning van die besluit om die betrokke lid van die publiek toegang tot 'n argiefbewaarplek te weier; en
 - (b) binne 48 uur ná die besluit om die betrokke lid van die publiek toegang tot 'n argiefbewaarplek te weier, by die Provinciale Argivaris afgelewer word.
- (8) Die Provinciale Argivaris kan, nadat hy of sy die verslag ontvang het wat in bepaling 4(7) oorweeg is –
- (a) met goeie rede die besluit van die hoof van 'n argiefbewaarplek bekratig; of
 - (b) as hy of sy glo dat die besluit van die hoof van 'n argiefbewaarplek om 'n spesifieke lid van die publiek toegang tot 'n argiefbewaarplek te weier –
 - (i) onredelik;
 - (ii) sonder goeie rede; of
 - (iii) irrasioneel,
- was, die besluit van die hoof van 'n argiefbewaarplek ongeldig verklaar en die hoof van 'n argiefbewaarplek aansê om die betrokke persoon toegang tot 'n argiefbewaarplek te verleen.

AFDELING 4 BESTUUR EN VERSORGING VAN OPENBARE REKORDS

Bestuur van Openbare Rekords

- 5.(1) Die hoof van 'n regeringsliggaam moet verseker dat –
- (a) alle rekords onder sy of haar beheer –
 - (i) behoorlik in stand gehou word;
 - (ii) deur gepaste veiligheidsmaatreëls beskerm word;

- (iii) ooreenkomstig hierdie bepalings, die Wet, die Wet op die Bevordering van Toegang tot Inligting, 2000 (Wet Nr. 2 van 2000) of enige ander toepaslike wetgewing bestuur word;
- (b) 'n rekordklassifikasiestelsel gebruik word wat deur die Provinciale Argivaris goedgekeur word;
- (c) alle voorskifte nagekom word wat deur die Provinciale Argivaris uitgereik word;
- (d) alle inligting wat verband hou met die rekords van die regeringsliggaam voorsien word wat deur die Provinciale Argivaris aangevra word;
- (e) alle gevalle van ernstige skade, verlies of ongemagtigde vernietiging van rekords aan die Provinciale Argivaris gerapporteer word; en
- (f) die Provinciale Argivaris voorsien word van 'n sertifikaat van vernietiging wanneer rekords ook al vernietig word, tensy dit ooreenkomstig afdeling 18(9) van die Wet vrygestel is.
- (2) Die hoof van 'n regeringsliggaam moet aan die Provinciale Argivaris rapporteer wanneer daardie regeringsliggaam van voorneme is om –
- (a) rekords op mikrofilm op te neem; of
- (b) 'n elektroniese rekordstelsel in werking te stel.

- (3) Die Provinciale Argivaris kan voorskrifte aan die hoof van 'n regeringsliggaam uitreik in verband met die –
- (a) bestuur en versorging van openbare rekords;
- (b) oorplasing van rekords na 'n argiefbewaarplek;
- (c) voorbereiding van rekords vir vernietiging;
- (d) prosedure vir 'n aansoek om die –
- (i) goedkeuring van 'n rekordklassifikasiestelsel;
- (ii) uitreiking van 'n bewaringsmagtiging;
- (iii) hersiening van 'n goedgekeurde rekordklassifikasiestelsel;
- (iv) prosedure wat gevolg moet word wanneer die Provinciale Argivaris in kennis gestel moet word van 'n regeringsliggaam se voorneme om rekords op mikrofilm op te neem of om 'n elektroniese rekordstelsel in werking te stel.

(4) Enige hoof van 'n regeringsliggaam wat openbare rekords na 'n stoorfasiliteit weg van die liggaam se kantore of na enige ander plek buite die gewone geboue van die betrokke regeringsliggaam wil oorplaas, soosoorweeg word in subartikel 18(2)(b) van die Wet, moet –

- (a) ten minste 30 dae voor die voorgenome datum van oorplasing, skriftelik die Proviniale Argivaris se magtiging aanvra ooreenkomstig artikel 18(2) van die Wet;
- (b) die Proviniale Argivaris van besonderhede voorsien van 'n stoorfasiliteit weg van die liggaam se kantore of van enige ander plek buite die gewone geboue van die betrokke regeringsliggaam; en
- (c) die Proviniale Argivaris van enige ander inligting voorsien wat die Proviniale Argivaris ooreenkomsig subbepaling (5) dalk vereis.

(5) Die Proviniale Argivaris kan, wanneer hy of sy die versoek ooreenkomstig subbepaling (4) ontvang –

- (a) die stoorfasiliteit weg van die liggaam se kantore of enige ander plek buite die gewone geboue van die betrokke regeringsliggaam ondersoek om die gesiktheid daarvan te bepaal;
- (b) vereis dat hy of sy enige bouplanne, tekeninge of diagramme ondersoek wat nodig is om die gesiktheid van die spesifieke gebou te bepaal;
- (c) vereis dat die hoof van die toepaslike regeringsliggaam enige verdere inligting of dokumente voorsien wat nodig is om die gesiktheid van die spesifieke gebou te bepaal; en
- (d) vereis dat hy of sy die vervoermiddel ondersoek wat gebruik gaan word om die rekords na 'n stoorfasiliteit weg van die liggaam se kantore of na enige ander plek buite die gewone geboue van die betrokke regeringsliggaam te vervoer.

Rekordbestuurder

6.(1) Die beampte wat deur die hoof van 'n regeringsliggaam ooreenkomstig artikel 18(8) van die Wet as 'n rekordbestuurder aangewys word, moet –

- (a) 'n gepaste universiteits- of tegnikonkwalifikasie of gepaste professionele ondervinding in die veld van argiewe en rekordbestuur hê;
- (b) die argief- en rekordbestuurkursus, wat deur die Proviniale Argivaris

- goedgekeur is, suksesvol voltooi het;
- (c) 'n deeglike kennis van die organisatoriese strukture, funksies en rekordstelsel van die betrokke regeringsliggaam hê; en
- (d) op 'n posvlak aangestel wees wat nie onder dié van 'n assistent-bestuurder is nie .

AFDELING 5 KORT TITEL

Kort titel

7. Hierdie Bepalings word die Bepalings aangaande die KwaZulu-Natal Argief- en Rekorddiens, 2013, genoem.

No. 175

4 kuLwezi 2013

**ISAZISO SOMTHETHONQUBO WOMNYANGO WEZOBUCIKO, AMASIKO
EZEMIDLALO NOKUNGCEBELEKA KWAZULU-NATALI**

**IMITHETHONQUBO YEZEMISEBENZI YOKULONDOLOZWA KWEMIBHALO
EYIGUGU KANYE NOKULONDOLOZWA KWAMAREKHODI KWAZULU-NATALI,
WEZI-2013**

Ngegunya lamandla enginikwe wona ngokwesigaba 24 soMthetho Wezemisebenzi Yokulondolozwa kweMibhalo Eyigugu kanye Nokulondolozwa kwamaRekhodi KwaZulu-Natali, wezi 2011 (uMthetho uNo. 8 wezi-2011), ngihlose ukwenza iMithethonqubo njengoba kubekiwe kwiSheduli.

Abantu abanentshisekelo bayachelwa ukuba balethe izincomo, imibono, noma izikhalo zabo kwiNhloko yoMnyango, eMnyangweni Wezobuciko NamaSiko, zibhekiswe kuNksz. Gugu Mnyandu, 1st floor, 171 Boshoff, Pietermaritzburg, 3201, Private Bag X9140, Pietermaritzburg 3200; ngefeksi: 0867252689 noma nge-emeyili ethi mnyandug@kzndac.gov.za

Sikhishwe phansi kwesandla sami. ~~Mgungundlovu~~.... mhla !!!!!... ngenyanga ka-~~u Nhlangula~~, onyakeni wezinkulungwane ezimbili kanye neshumi nantathu.



N.N SIBHIDLA-SAPHETHA

ILungu loMkhandlu Wesigungu Eshiphezulu sesiFundazwe saKwaZulu-Natali elibhekeli Ezobuciko, Amasiko, Ezemidlalo kanye Nokungcebeleka

ISHEDULI**UKUHLELWA KWEZIGABA***UMthethonqubo***INGXENYE 1
IZINCAZELO****1. Izincazelo****INGXENYE 2****UKUDLULISELWA KWAMAREKHODI**

2. Ukufaka isicelo sokudluliselwa kwamarekhodi omphakathi
- 3.Ukudluliselwa kwamarekhodi omphakathi eyiswa enqolobaneni yokulondolozwa kwemibhalo eyigugu.

INGXENYE 3**UKUFINYELELA KANYE NOKUSETSHENZISWA KWEMIBHALO ENGAMAGUGU
ELONDOLOZIWE**

4. Ukufinyelela kanye nokusetshenziswa kwemibhalo engamagugu elondoloziwe

ISAHLUKO 4**UKUPHATHWA KANYE NOKUNAKEKELWA KWAMAREKHODI OMPHAKATHI**

5. Ukuphathwa Kwamarekhodi Omphakathi
6. Imenenja yamaRekhodi

**INGXENYE 5
ISIHLOKO ESIFISHANE**

7. Isihloko Esifishane

**INGXENYE 1
IZINCAZELO**

Izincazelo

1. Kule Mithethonqubo "uMthetho" uchaza uMthetho Wezemisebenzi Yokusulondolozwa kweMibhalo Eyigugu kanye Nokulondolozwa kwamaRekhodi KwaZulu-Natali wezi-2011,(uMthetho uNo. 8 wezi-2011), kanti nanoma yiliphi igama noma umusho onencazelo enqunywe nguMthetho liqukethe incazelo ebekwe kanjalo kuyo futhi, ngaphandle uma ingqikithi ikhomba ngokunye –

"inhloko yenqolobane yokulondolozwa kwemibhalo eyigugu " kuchaza umsebenzi oqashwe ngokoMthetho weMisebenzi kaHulumeni we-1994 (Isimemezelu uNo. 103 sowe-1994), futhi okunguyena olawula indawo yokulondolozwa kwemibhalo eyigugu eyasungulwa ngokweSigaba 20 soMthetho;

"imenenza yamarekhodi" kuchaza umsebenzi wanoma yiluphi uhlaka lukahulumeni ojutshwe njengemenenza yamarekhodi esikhungo sikahulumeni esithintekayo ngokwesigaba 18(8) soMthetho;

"igumbi elakhiwe laqina elingashi" kuchaza igumbi elivikelekile noma indawo esendaweni yokulondoloza imibhalo eyigugu lapho kugcina khona amarekhodi.

**INGXENYE 2
UKUDLULISELWA KWAMAREKHODI**

Ukufaka isicelo sokudluliselwa kwamarekhodi omphakathi

2.(1) isikhungo sikahulumeni esifisa ukudlulisela amarekhodi omphakathi endaweni yokulondoloza imibhalo eyigugu, kumele sithole imvume ebhalwe nguMlondi weMibhalo eyiGugu wesiFundazwe egunyaza ukuba kwenziwe njalo,

(2) Isicelo sokudluliselwa kwamarekhodi omphakathi esiya kuMlondi weMibhalo eyiGugu wesiFundazwe kumele-

- (a) sibe ngesibhaliwe;
- (b) sihambisane nohlu olubhaliwe lokudluliswayo, okumele –
 - (i) luchaze impahla ngayinye okumele idluliswe;
 - (ii) lurekhode usuku lwempahla ngayinye noma usuku lokuqala kanye nolokugcina lokusebenza kwempahla;
 - (iii) lurekhode inombolo eyinkomba yento ngayinye; futhi
 - (iv) lubalule ubukhulu ngamamitha obuzodingeka ukugcina impahla noma izimpahla lezo ezithintekayo;
- (c) sibe nenombolo eyinkomba yegunya elifanele lokuchithwa kwayo, uma lelo gunya lokuchithwa kwayo lalitholakale kuMlondi weMibhalo eyiGugu wesiFundazwe ngokwesigaba 18(2) soMthetho; futhi
- (d) sihambisane naleyo mininingwane uMlondi weMibhalo eyiGugu wesiFundazwe angayalele ukuba ifakwe.

(3) Isicelo esiya kuMlondi weMibhalo eyiGugu wesiFundazwe sokuthola imvume yokudlulisela kwamarekhodi omphakathi esingenalo igunya lokuchithwa kumele sifake incazeloe fishane yezimpahla ebalula okulandelayo –

- (a) uhlobo lwerekhodi;
- (b) ihhovisi lapho livela khona;
- (c) ukubalula–
 - (i) uhlobo lohlelo lokwahlukanisa kwamarekhodi obelusetshenzisiwe;
 - (ii) ukuthi ngabe uhlelo lokwahlukanisa kwamarekhodi lwagunyazwa yini nguMlondi weMibhalo eyiGugu wesiFundazwe; kanye
 - (iii) nokuthi ngabe uhlelo lokwahlukanisa kwamarekhodi lusasebenza yini.

(4) Ekwamukeleni isicelo sokudlulisela kwamarekhodi omphakathi, uMlondi weMibhalo eyiGugu wesiFundazwe –

- (a) angacela olunye ulwazi noma eminye imininingwane; noma
- (b) akhiphe imiyalelo noma imibandela eyisipesheli emaqondana nokudlulisela kwalawo maredhodi omphakathi.

Ukudluliselwa kwamarekhodi omphakathi eyiswa enqolobaneni yokulondolozwa kwemibhalo eyigugu.

3. (1) Amarekhodi adluliselwe enqolobaneni yokulondolozwa kwemibhalo eyigugu kumele –

- (a) ahambisane nohl uwezimpahla ezidluliselwayo;
- (b) ahlelwe ngokulandelana okulandelwe ohlwini uwezimpahla ezidluliselwayo; futhi
- (c) apakishwe ezitsheni ezifanele ngokuhambelana nomyalelo okhishwe ngumlondi weMibhalo eyiGugu wesiFundazwe ngokomthethonqubo 2(4).

(2) Umlondi weMibhalo eyiGugu wesiFundazwe nomo lawo ommelle ogunyaziwe kumele avume ukuthi uwamukelile amarekhodi omphakathi adluliselwe ngokuba asayine ikhophi yohlu uwezimpahla ezidluliselwayo.

(3) Umlondi weMibhalo eyiGugu wesiFundazwe, ngaphansi kwemigomo nemibandela njengoba enganquma, angabuyisa amarekhodi adluliselwe okwesikhashana enqolobaneni yokulondolozwa kwemibhalo eyigugu ngokomthethonqubo 3(1) esikhungweni sikahulumeni okuyisona esidlulisele lawo marekhodi noma ababalandelayo ngokwesikhundla: ngaphandle uma lawo marekhodi kumele abuyiselwe enqolobaneniyokulondolozwa kwemibhalo eyigugu –

- (a) kungakapheli izinsuku ezingama - 60 emukeliwe; noma
- (b) ngolunye usuku njengoba umlondi weMibhalo eyiGugu wesiFundazwe enganquma.

(4) Zonke izindleko ezipathelene nokudluliselwa kanye nokubuyiselwa kwesikhashana kwamarekhodi omphakathi ziyokhokhelwa yisikhungo sikahulumeni –

- (a) okuyisona esidluliselwa amarekhodi; noma
- (b) esicela ukuba kubuyiswe okwesikhashana amarekhodi ngokomthethonqubo 3(3).

INGXENYE 3
UKUFINYELELA KANYE NOKUSETSHENZISWA KWEMIBHALO EYIGUGU
ELONDOLOZOIWE

Ukufinyelela kanye nokusetshenziswa kwemibhalo eyigugu elondoloziwe

4.(1) Ngokwale Mithethonqubo, uMthetho, uMthetho Wokukhuthaza Ukufinyelela Olwazini, wezi-2000 (uMthetho uNo.2 wezi-2000) kanye neminye imithetho esebebenzayo, amalungu omphakathi kumele avunyelwe ukubuka imibhalo engamagugu elondoloziwe esenqolobaneni yokulondoloza imibhalo eyigugu: Inqobo nje uma lokho kubukwa kwemibhalo engamagugu elondoloziwe –

- (a) kuzokwenzeka egunjini lokufunda elikuleyo nqolobane yokulondoloza imibhalo eyigugu; noma
- (b) kungenzeka kuphela egunjini elakhwi laqina elingashi lengolobane yokulondoloza imibhalo eyigugu ngemvume yenhlоко yaleyo nqolobane yokulondoloza imibhalo eyigugu.

(2) Inhloko yenqolobane yokulondoloza imibhalo eyigugu ingayalela ilungu lomphakathi elifuna ukwamukelwa enqolobaneni yokulondoloza imibhalo eyigugu ukuba –

- (a) litshengise inhloko yenqolobane yokulondoloza imibhalo eyigugu umazisi noma yinoma yini enye yokuzazisa;
- (b) ligcwaliise bese lisayina iregista elibhalwe leyo mininingwane njengoba kuyaalela inhloko yenqolobane yokulondoloza imibhalo eyigugu; noma
- (c) ligcwaliise ifomu lesicelo sokubukwa kwemibhalo elondoloziwe eyigugu.

(3) Inhloko yenqolobane yokulondoloza imibhalo eyigugu inganquma –

- (a) indlela okungabukwa ngayo imibhalo eyigugu elondoloziwe;
- (b) isibalo semibhalo eyigugu elondoloziwe engabukwa ngesikhathi esisodwa;
- (c) imithetho kanye nezinqubo okumele zilandelwe ngamalungu omphakathi ngesikhathi ebuka imibhalo eyigugu elondoloziwe enqolobaneni yokulondoloza imibhalo eyigugu;
- (d) ukuthi kungabe imibhalo eyigugu elondoloziwe ingenziwa yini amakhophi;
- (e) ubude besikhathi lowo owasebenzisayo angasithatha kunoma yiyphi insiza ehlinzekwe yinqolobane yokulondoloza imibhalo eyigugu; kanye

(f) nesibalo samakhophi angensiwe kusetshenziswa izinsiza ezihilinzekwe yindawo yokulondoloza imibhalo eyigugu.

(4) Uma kubukwa imibhalo eyigugu elondoloziwe enqolobaneni yokulondoloza imibhalo eyigugu, ilungu lomphakathi –

- (a) kumele liwubambe ngokukhulu ukucophelela lowo mbhalo oyigugu olondoloziwe;
- (b) kumele lingaphazamisi ukuhlelwa kwemibhalo elondoloziwe;
- (c) kumele libike kwinhloko noma esikhulwini esigunyaziwe senqolobane yokulondoloza imibhalo eyigugu, nanoma yimuphi umonakalo noma ukuphazamiseka ekuhlelweni kwemibhalo eyigugu elondoloziwe okwenziwe noma okutholwe yilungu lomphakathi; futhi
- (d) akumele libhale noma lenze umaka kunoma yimuphi umbhalo oyigugu olondoloziwe.

(5) Inhloko yenqolobane yokulondoloza imibhalo eyigugu, ngokwengxenye yomthethonqubo (8), inganqabela ilungu lomphakathi ukuba lingene enqolobaneni yokulondoloza imibhalo eyigugu uma –

- (a) lehluleka ukuhambisana–
 - (i) nale mithethonqubo;
 - (ii) nemibandela, imithetho kanye nezinqubo ezikhishwe yinhloko yenqolobane yokulondoloza imibhalo eyigugu ngokuhambisana nomthethonqubo 4(3);
- (b) lenza umonakalo noma umaka embhalweni oyigugu olondoloziwe;
- (c) liziphatha ngendlela engamukelekile enqolobaneni yokulondoloza imibhalo eyigugu, noma
- (d) liphazamisa uhlelo imibhalo eyigugu elondoloziwe egcinwe ngalo.

(6) Inhloko yenqolobane yokulondoloza imibhalo eyigugu kumele, ngokubhalela uMlondi weMibhalo eyiGugu wesiFundazwe, ibike isigameko ngasinye lapho yenqabele khona ilungu lomphakathi ukuba lingene enqolobaneni yokulondoloza imibhalo eyigugu ngokuhambisana nomthethonqubo 3(5).

- (7) Umbiko okuningwe ngawo engxenyen i yomthethonqubo (6) kumele –
- (a) uhambisane nezizathu ezipheleleyo ezeseka isinqumo sokunqabela ilungu lomphakathi elithintekayo ukuba lingene enqolobaneni yokulondoloza imibhalo eyigugu, futhi
 - (b) uthunyelwe kuMlondi weMibhalo eyiGugu wesiFundazwe ngaphambi kokuba kuphele amahora angama-48 emva kokuthathwa kwesinqumo sokunqabela ilungu lomphakathi elithintekayo ukuba lingene enqolobaneni yokulondoloza imibhalo eyigugu.
- (8) UMlondi weMibhalo eyiGugu wesiFundazwe, uma esethole umbiko okuningwe ngawo kumthethonqubo 4(7) –
- (a) angalungisa isinqumo senhloko yenqolobane yokulondoloza imibhalo eyigugu, ngokwesizathi esizwakaalayo; noma
 - (b) uma ekholwa ukuthi isinqumo senhloko yenqolobane yokulondoloza imibhalo eyigugu sokunqabela ilungu elithile lomphakathi ukuthi lingene yokulondoloza imibhalo eyigugu –
 - (i) sasingafanele;
 - (ii) sasingenasizathu esizwakalayo; noma
 - (iii) sasingacabangekanga kahle,
- angachitha isinqumo senhloko yenqolobane yokulondoloza imibhalo eyigugu bese eyalela inhloko ukuba ivumele umuntu othintekayo ukuba angene enqolobaneni yokulondoloza imibhalo eyigugu.

INGXENYE 4

UKUPHATHWA KANYE NOKUNAKEKELWA KWAMAREKHODI OMPHAKATHI

Ukuphathwa kwamaRekhodi oMphakathi

5.(1) Inhloko yesikhungo sikahulumeni kumele iqinisekise ukuthi –

- (a) wonke amarekhodi angaphansi kolawulo lwayo –
 - (i) agcinwe ngendlela efanele;
 - (ii) avikelekile ngezindlela zokuvikela ezifanele;
 - (iii) aphathwa ngokuhambisana nale mithethonqubo, uMthetho, uMthetho Wokukhuthaza Ukufinyelela Olwazini, wezi-2000 (uMthetho uNo.2 wezi-2000)kumbe nanoma yimiphi eminye imithetho esebezay;

- (b) kusetshenziswa indiela yokwehlukaniswa kwamarekhodi egunyazwe nguMlondi weMibhalo eyiGugu wesiFundazwe;
- (c) kuyahanjiswa nayo yonke imiyalelo ekhishwe nguMlondi weMibhalo eyiGugu wesiFundazwe;
- (d) kuhlinzekwa yonke imininingwane ephathelene namarekhodi esikhungo sikahulumeni ecelwe nguMlondi weMibhalo eyiGugu wesiFundazwe;
- (e) kubikwa kuMlondi weMibhalo eyiGugu wesiFundazwe wonke amacula okucekela phansi, ukulahleka, noma ukushabalaliswa kwamarekhodi okungagunyaziwe; futhi
- (f) UMLondi weMibhalo eyiGugu wesiFundazwe uhlinzekwa ngesitifiketi sokushabalaliswa kwamarekhodi uma kungukuthi amarekhodi ayashatshataliswa, ngaphandle uma ikhululiwe kulokhu ngokwesigaba 18(9) soMthetho.

(2) Inhloko yesikhungo sikahulumeni kumele ibike kuMlondi weMibhalo eyiGugu wesiFundazwe inhloso yaleso sikhungo sikahulumeni –

- (a) yokuthwebula umbhalo wenziwe ubi mncane ukuze ulondolozeke kalula; noma
- (b) yokuqalisa ukusebenza kohlelo lokugcina amarekhodi kwikhompyutha.

(3) UMLondi weMibhalo eyiGugu wesiFundazwe angayalela inhloko yesikhungo mayelana –

- (a) nokuphathwa kanye nokunakekelwa kwamarekhodi omphakathi;
- (b) nokudluliselwa kwamarekhodi enqolobaneni yokulondoloza imibhalo eyigugu;
- (c) nokulungiselela amarekhodi ukuba ashabalaliswe;
- (d) nenqubo yokufaka isicelo –
 - (i) sokugunyazwa kwendlela yokwahlukaniswa kwamarekhodi;
 - (ii) sokunikeza igunya lokuwachitha lawo marekhodi;
 - (iii) sokubuyekezwa kwendlela yokwahlukaniswa kwamarekhodi egunyaziwe;
 - (iv) inqubo okumele ilandelwe uma kwaziswa uMlondi weMibhalo eyiGugu wesiFundazwe ngenhloso yesikhungo sikahulumeni yokwenza uhlelo lokuthwebula umbhalo wenziwe ubi mncane ukuze ulondolozeke

kalula (microfilm) noma ukuqalisa uhlelo lokugcinwa kwamarekhodi kwikhompyutha.

(4) Yinoma iyiphi inhloko yesikhungo sikahulumeni efisa ukwedlulisela amarekhodi omphakathi kwesinye isikhungo noma esinye isakhiwo esingaphandle kwendawo ejwayelekile yesikhungo sikahulumeni esithintekayo, njengoba kuningiwe esigatshananeni 18(2)(b) soMthetho kumele—

- (a) Ngokubhaliwe, icele imvume kuMlondi weMibhalo eyiGugu wesiFundazwe ngokwesigaba 18(2) soMthetho, okungenani kusasele izinsuku ezingama-30 ngaphambi kosuku okuhloswe ngalo ukuba kwenziwe lokho kudlulisela;
- (b) ihlizzeke uMlondi weMibhalo eyiGugu wesiFundazwe ngeminingwane yesinye isikhungo noma yesinye isakhiwo esingaphandle kwendawo ejwayelekile yesikhungo sikahulumeni esithintekayo; bese
- (c) ihlizzeka uMlondi weMibhalo eyiGugu wesiFundazwe ngeminye iminingwane engadingwa nguMlondi weMibhalo eyiGugu wesiFundazwe ngokulandela ingxene yomthethonqubo (5).

(5) UMLondi weMibhalo eyiGugu wesiFundazwe, uma esamukele isicelo ngokulandela ingxene yomthethonqubo (4) –

- (a) angahlola isikhungo noma esinye isikhungo esingaphandle kwendawo ejwayelekile yesikhungo sikahulumeni esithintekayo, ukuze abone ukufaneleka kwayo;
- (b) angayalela ukuba kuhlolwe yinoma yimaphi amapulani, imifanekiso noma imidwebo edingekayo ukuze abone ukufaneleka kwendawo ehloniwe;
- (c) angayalela inhloko yesikhungo sikahulumeni esiqondene ukuba ihlizzeke ngalolo lwazi neminingwane edingekayo ukuze kubonakale ukufaneleka kwendawo ehloniwe; futhi
- (d) angayalela ukuba kuhlolwe indlela yokuthutha ezosetshenziswa ukuthutha amarekhodi eya kwesinye isikhungo nje noma kunoma yisiphi esinye isikhungo esingaphandle kwendawo ejwayelekile yesikhungo sikahulumeni esithintekayo.

Imenenja yamaRekhodi

6.(1) Isikhulu esijutshwe yinhluko yesikhungo sikahulumeni ngokwesigaba 18(8) soMthetho njengemenenja yamarekhodi kumele –

- (a) sibe neziq u zemfundo yasenyuvesi noma ezasekolishi lezobuchwepheshe (technikon) ezifanelekile noma ulwazi olunzulu emkhakheni wezokulondolozwa kwemibhalo eyigugu kanye nokuphathwa kwamarekhodi;
- (b) abe ngophothule izifundo ezimayelana nokulondolozwa kwemibhalo eyigugu kanye nokuphathwa kwamarekhodi, ezigunyazwe nguMlondi weMibhalo eyiGugu wesiFundazwe;
- (c) abe nolwazi olunzulu lohlaka Iwesikhungo, imisebenzi, kanye nohlelo Iwamarekhodi esikhungo sikahulumeni esithintekayo; futhi
- (d) aqashwe ezingeni lesikhundleni esingekho ngaphansi kweleso somsizi wemenenja.

**INGXENYE 5
ISIHLOKO ESIFISHANE**

Isihloko esifishane

7. Le Mithethonqubo ibizwa ngokuthi iMithethonqubo Yezemisebenzi Yokulondolozwa Kwemibhalo Eyigugu Kanye Nokulondolozwa Kwamarekhodi KwaZulu-Natali, yowezi 2013.

No. 175

4 Eye Nkanga 2013

**ISEBE LEZOBUGCISA, INKCUBEKO, IMIDLALO NOLONWABO LAKWAZULU-NATAL
ISAZISO SOMGAQO**

**IMIGAQO YAKWAZULU-NATAL YENKONZO YOOVIMBA NOGCINO
LWEEREKHODI, KA-2013**

Ngokwamagunya endiwanikiweyo ngokwecandelo lama-24 IoMthetho waKwaZulu-Natal weNkonzo yooVimba noGcino IweeRekhodi, ka-2011 (uMthetho wesi-8 ka-2011), ndizimisele ukwenza imiGaqo njengoko ibekwe kule Shedyuli.

Abantu abanomdla bayacelwa ukuba bafake izimvo zabo okanye zamaqela abawameleyo ngokubhalela kuNkosz. Gugu Mnyandlu, iNtloko yeSebe, iSebe lezobuGcisa neNkcubeko, 1st floor, 171 Boshoff, Pietermaritzburg, 3201, Private Bag X9140, Pietermaritzburg 3200; IFeksi: 0867252689 okanye bathumele i-imeyile ku: mnyandug@kzndac.gov.za

Ikhutshwe phantsi kweSandla sam e.e Mgungundlovu.... ngalo mhla we-...!..... ku eye. Si limela, Unyaka wamawaka amabini aneshumi elinesithathu.



N.N. SIBHANDA-SAPHETHA

UMphathiswa wePhondo ojongene nezobuGcisa, iNkcubeko, imidlalo noLonwabo kwiphondo laKwaZulu-Natal

ISHEDYULI**UKUBEKWA KWAMACANDELO***Umgaqo***ICANDELO LOKU-1
IINGCACISO**

1. lingcaciso

**ICANDELO LESI-2
UDLULISELO LWEEREKHODI**

2. Isicelo sokudlulisela kweerekhodi zoluntu
3. Ukudlulisela kweerekhodi zoluntu kwindawo yogcino-rekhodi yovimba

**ICANDELO LESI-3
UKUFIKELELA NOKUSETYENZISWA KWEZINTO EZIKUVIMBA**

4. Ukufikelela nokusetyenziswa kwezinto ezikuvimba

**ISAHLUKO SESI-4
ULAWULO NOKHATHALELO LWEEREKHODI ZOLUNTU EZISELUGCINWENI**

5. Ulawulo IweeRekhodi zoLuntu ezelugcinweni
6. UMLawuli weeRekhodi ezelugcinweni

**ICANDELO LESI-5
ISIHLOKO ESIFUTSHANE**

7. Isihloko esifutshane

**ICANDELO LOKU-1
IINGCACISO****lingcaciso**

1. Kule miGaqo, "uMthetho" uthetha uMthetho waKwaZulu-Natal weNkonzo yoVimba neeRekhodi ezelugcinweni ka-2011 (uMthetho wesi-8 ka2011), yaye naliphi igama

okanye intetho enikwe le ntsingiselo kulo mthetho, loo ntsingiselo iya kuba inikiwe ke, ngaphandle kokuba umxholo ubonisa enye indlela –

"intloko yendawo yogcino-rekhodi yovimba" ithetha umsebenzi oqeshwe ngokoMthetho weeNkonzo zoLuntu, ka1994 (isiBhengezo se-103 sika-1994), nophethe indawo yogcino-rekhodi yovimba, eyasekwa ngokwecandelo lama-20 lalo Mthetho;

"umlawuli weerekhodi" uthetha umsebenzi walo naliphi icandelo likarhulumente obekwe njengomlawuli weerekhodi zelo candelo likarhulumente ngokwecandelo 18(8) lalo Mthetho;

"igumbi lokugcina elitshixwayo" lithetha igumbi okanye indawo ekhuselweyo kwindawo yogcino-rekhodi yovimba apho kugcinwa khona iirekhodi.

ICANDELO LESI-2 UDLULISELO LWEEREKHODI

Isicelo sokudlulisela kweerekhodi zoluntu

2.(1) Icandelo likarhulumente elingathanda ukudlulisela iirekhodi zalo zoluntu kwindawo yogcino-rekhodi yovimba, malifumane imvume ebhaliweyo kuMcwangcisi-Vimba wePhondo.

(2) Isicelo sokudlulisela kweerekhodi zoluntu esiya kuMcwangcisi-vimba wePhondo kufuneka –

- (a) sibe sesibhaliweyo;
- (b) sikhatshe luluhlu lodluliselo, ekufuneka –
 - (i) sicacise into nganye eza kudlulisela;
 - (ii) sibhale umhla wento nganye okanye umhla wokuqala nowokuggibela wento nganye;
 - (iii) sibhale ireferensi namba yento nganye; yaye
 - (iv) sibonise iimitha zobude obufunekayo ukubeka loo nto okanye ezo zinto zigcinwayo;

- (c) sinereferensi namba yolo xwebhu olucacisa ixesha lokugcinwa kweerekhodi kuvimba, ukuba olo xwebhu lucacisa ixesha lokugcinwa kweerekhodi kuvimba lufunyenwe kuMcwangcisi-vimba wePhondo ngokwecandelo 18(2) lalo Mthetho; yaye
- (d) sikhathshwe nazeyinie iinkcukacha ezinokufunwa nguMcwangcisi-vimba wePhondo.

(3) Isicelo esiya kuMcwangcisi-vimba wePhondo esicela imvume yokudlulisela iirekhodi zoluntu ngaphandle koxwebhu olucacisa ixesha lokugcinwa kweerekhodi kuvimba kufuneka siuke isishwankathelo sezinto eziza kubekwa esixela oku kulandelayo –

- (a) uhlobo lwerekhodi;
- (b) iofisi evela kuyo;
- (c) isiboniso –
 - (i) sohlobo olusetyenzisiweyo lwendlela yokuhlelwa kweerekhodi;
 - (ii) ukuba olo hlobo lwendlela yokuhlelwa kweerekhodi luvunyiwe nguMcwangcisi-vimba wePhondo; kunye
 - (iii) nokuba olo hlobo lwendlela yokuhlelwa kweerekhodi lusasetyenziswa na.

(4) UMcwangcisi-vimba wePhondo unokuthi, akufumana isicelo sokudluliselwa kweerekhodi zoluntu –

- (a) acele ezinye iinkcukacha okanye amanye amaxwebhu; kungenjalo
- (b) akhuphe imiyalelo okanye imiqathango eyodwa enxulumene nokudluliselwa kwezo rekhodi zoluntu.

Ukudluliselwa kweerekhodi zoluntu kwindawo yogcino-rekhodi yovimba

3.(1) Iirekhodi ezidluliselwe kwindawo yogcino-rekhodi yovimba, kufuneka –

- (a) zikhathshwe luluhlu lwezinto ezidluliswayo;
- (b) zilandeelaniswe ngendlela efanayo naleyo zilandeelaniswe ngayo kuluhlu lodluliselo; yaye
- (c) zipakishwe kumaphanga afanelekileyo ngokwemiyalelo ekhutshwe nguMcwangcisi-vimba wePhondo ngokomgaqo 2(4).

(2) UMcwangcisi-vimba wePhondo okanye ummeli ogunyaziswe nguye, kufuneka angqine ukuba uzifumene iirekhodi zołuntu ezidluliswayo ngokusayina ikopi yoluļlu lwezinto ezidluliswayo ezikhaphayo.

(3) UMcwangcisi-vimba wePhondo, unokuthi, ngokuxhomekeke kuloo mimiselo nemiqathango ayibona ifanelekile, abuyise okwethutyana iirekhodi ezidluliselweyo ngokomgaqo 3(1) ezibuyisela kwicandelo likarhulumente ebelidlulise ezo rekhodi okanye irumruh elingene endaweni lalo: Ngokuxhomekeke ekubeni ezo rekhodi ziya kubuyiselwa kwindawo yogcino-rekhodi yovimba –

- (a) zingedlulanga iintsuku ezingama-60 zifunyenwe; okanye
- (b) kwiintsuku ezizezinye ezinokubekwa nguMcwangcisi-vimba wePhondo.

(4) Zonke iindleko ezinxulumene nokudluliselwa nokubuyiswa kwethutyana kweerekhodi ziya kuhlawulwa lelo candelo likarhulumente –

- (a) lidlulisa iirekhodi; okanye
- (b) licela ukubuyiselwa kwethutyana kweerekhodi ngokomgaqo 3(3).

ICANDELO LESI-3 UKUFIKELELA NOKUSETYENZISWA KWEZINTO EZIKUVIMBA

Ukufikelela nokusetyenziswa kwezinto ezikuvimba

4.(1) Uluntu, luya kuvunyelwa ukuba lubuke izinto ezigcinwe kuvimba kwindawo yogcino-rekhodi yovimba, ngokwale miGaqo, uMthetho, *iPromotion of Access to Information Act* (uMthetho wokuKhuthazwa kokuFikelela kuLwazi), ka-2000 (uMthetho wesi-2 ka-2000) kunye nawo nawuphi omnye umthetho ongenayo: Ngokuxhomekeke ekubeni oko kubuka izinto ezikuvimba –

- (a) kufuneka kwenzelwe kwigumbi lokufundela laloo nto igcinwe kuvimba; okanye
- (b) kunokwenziwa kwigumbi lokugcina elitshixwayo lento egcinwe kuvimba, loo nto isenziwa ngemvume yomphathi waloo ndawo yogcino-rekhodi yovimba.

(2) Umphathi wendawo yogcino-rekhodi yovimba unokufuna ukuba umntu wasekuhaleni ofuna ukungena kuloo ndawo yogcino-rekhodi –

- (a) ambonise isazisi okanye naluphi uhlolo lokuzazisa olwamkelekileyo kumphathi wendawo yogcino-rekhodi yovimba;
- (b) azalise aze atyikitye irejista ebhala ezo nkukacha zinokufunwa ngumphathi wendawo yogcino-rekhodi yovimba; okanye
- (c) azalise isicelo soko kubuka izinto ezigciniweyo akufunayo.

(3) Umphathi wendawo yogcino-rekhodi unokubeka –

- (a) imiqathango ekufuneka ilandelwe xa kubukwa izinto ezigciniweyo;
- (b) inani lezinto ezigciniweyo ezinobukwa ngexesha elinye;
- (c) imigaqo neendlela emazilandelwe luluntu xa lubuka izinto ezigciniweyo kwindawo yogcino-rekhodi;
- (d) ukuba izinto ezigciniweyo zingakotshwa na;
- (e) ubude bexesha anokuzisebenzisa ngalo umntu onikwe imvume yokusebenzisa nayiphi into ayinikwe yindawo yogcino-rekhodi yovimba; kunye
- (f) nenani leekopi ezinokwenziwa kusetyenziswa izixhobo zendawo yogcino-rekhodi yovimba.

(4) Umntu wasekuhlaleni xa ebuka izinto ezigciniweyo kwindawo yogcino-rekhodi –

- (a) kufuneka aziphathe ngononophelo olungaphaya ezo zinto zigciniweyo;
- (b) angaphiazamisani nendlela ezibekwe ngayo izinto ezigciniweyo;
- (c) axelete umphathi wendawo yogcino-rekhodi okanye naliphi igosa elimiselweyo kufoo ndawo yogcino-rekhodi ngawo nawuphi umonakalo okanye uphazamiseko kwindlela yokubekwa kwezinto ezigciniweyo ayenzileyo okanye ayibonileyo umntu wasekuhlaleni; yaye
- (d) akanakubhala okanye enze naluphi na uphawu kuyo nayiphi na into egciniweyo.

(5) Umphathi wendawo yogcino-rekhodi unokuthi, ngokuxhomekeke kumgaqwana (8), angamvumeli umntu wasekuhlaleni ukuba afikelele kwizinto ezigciniweyo ukuba –

- (e) akakwazi kulandela –
 - (i) le migaqo;
 - (ii) imiqathango, imithetho neendlela emazilandelwe ezikhutshwe ngumphathi wendawo yogcino-rekhodi ngokomqaqo 4(3);

- (f) wonakalisa okanye uphawula izinto ezigciniweyo;
 - (g) uziphathe ngendlela engamkelekanga kwindawo yogcino-rekhodi; okanye
 - (h) uphazamisa indlela ezibekwe ngayo izinto ezigciniweyo.
- (6) Umphathi wendawo yogcino-rekhodi kufuneka abhalele uMcwangcisi-vimba wePhondo amxelele ngazo zonke izehlo aphy aye wangamvumeli umntu wasekuhlaleni ukuba afikelele kwindawo yogcino-rekhodi ngokomgaqo 3(5).
- (7) Le ngxelo ichatshazelwe kumgaqwana (6) kufuneka –
- (a) ihatshwe zizizathu ezicacisiweyo ezixhasa isigqibo sokungavumeli kwindawo yogcino-rekhodi loo mntu wasekuhlaleni kuthethwa ngaye; yaye
 - (b) isiwe kuMcwangcisi-vimba wePhondo zingaphelanga iiyure ezingama-48 emva kwesigqibo sokungavumeli loo mntu wasekuhlaleni ukuba afikelele kwindawo yogcino-rekhodi.
- (8) UMCwangcisi-vimba wePhondo unokuthi, emva kokufumana le ngxelo ichatshazelwe kumgaqo 4(7) –
- (a) ngesizathu esiphathekayo, avume isigqibo somphathi wendawo yogcino-rekhodi; okanye
 - (b) ukuba ukholelwa ukuba eso sigqibo somphathi wendawo yogcino-rekhodi sokungavumeli umntu othile wasekuhlaleni ukuba afikelele kwizinto ezigciniweyo
 -
 - (i) besingafanelekanga;
 - (ii) besingenasizathu siphathekayo; okanye
 - (iii) asinasiseko,
- asijike eso sigqibo somphathi wendawo yogcino-rekhodi aze ayalele umphathi wendawo yogcino-rekhodi ukuba avumele loo mntu ukuba angene kwindawo yogcino-rekhodi.

ICANDELO LESI-4

ULAWULO NOKHATHALELO LWEEREKHODI ZOLUNTU EZISELUGGINWENI

Ulawulo lweeRekhodi zoLuntu eziselugcinweni

5.(1) Umphathi wecandelo likarhulumente kufuneka aqinisekise ukuba –

- (a) zonke iirekhodi eziphantsi kolawulo lwakhe –

- (i) zigcinwa ngendlela efanelekileyo;
- (ii) zikhuselw ngeendlela zokhuselo ezifanelekileyo;
- (iii) zilawulwa ngokwale migao, uMthetho, ne*Promotion of Access to Information Act* (uMthetho wokuKhuthazwa kokuFikelela kuLwazi), ka-2000 (uMthetho wesi-2 ka-2000) okanye nawuphi na omnye umthetho ongenayo;
- (b) indlela yokuhlela iirekhodi evunywe nguMcwangcisi-vimba wePhondo iyasetyenziswa;
- (c) yonke imiyalelo ekhutshwe nguMcwangcisi-vimba wePhondo iyalandelwa;
- (d) zonke iinkukacha zeerekhodi zecandelo likarhulumente ezicelwa nguMcwangcisi-vimba wePhondo ziyanikwa;
- (e) onke amatyala okonakaliswa okumandla, ukulahleka, okanye ukutshatyalaliswa okungagunyaziswanga kweerekhodi kuyaxelwa kuMcwangcisi-vimba wePhondo; yaye
- (f) uMcwangcisi-vimba wePhondo unikwa isiqinisekiso sokutshabalalisa ngalo ionke ixesha kukho iirekhodi ezitshatyalaliswayo, ngaphandle kokuba oko kuyavunyelwa ngokwemigaqo yecandelo 18(9) lalo Mthetho.
- (2) Umphathi wecandelo likarhulumente makaxefelele uMcwangcisi-vimba wePhondo injongo yokuba elo candelo likarhulumente –
- (a) livelise ngokutsha iirekhodi ngokuzigcina ngokohlobo lwefilim; okanye
- (b) liqalise indlela yokugcina iirekhodi ekhompyutheni.
- (3) UMcwangcisi-vimba wePhondo unokukhuphela intloko yecandelo likarhulumente umyalelo malunga –
- (a) nolawulo nokhathalelo lweerekhodi zoluntu ezelugcinweni;
- (b) udluliselo lweerekhodi ziye kwindawo yogcino-rekhodi yovimba;
- (c) ukulungiselelwa kokutshatyalaliswa kweerekhodi;
- (d) indlela emayilandelwe xa kufakwa isicelo –
- (i) sokuvunywa kwendlela yokuhlela kweerekhodi;
- (ii) ukukhutshwa koxwebhu olucacisa ixesha lokugcina kweerekhodi kuvimba;
- (iii) ukuhlaziya kwendlela yokuhlela kweerekhodi ezivuniweyo;

(iv) indlela emayilanelwe xa kusaziswa uMcwangcisi-vimba wePhondo malunga nenjongo ecetywa licandelo likarhulumente yokugcina iirekhodi ngokutsha ngokohlobo Iwefilim okanye indlela yokugcina iirekhodi ekhompyutheni.

(4) Nawuphi umphathi wecandelo likarhulumente ocinga ngokudlulisela iirekhodi zoluntu kwindawo yokugcina engaphandle kweziko elo okanye naliphi na elinye iziko elingaphandle kwendawo yesiqhelo yelo candelo likarhulumente, njengoko kucacisiwe kwicandelwana (18(2) (b) lalo Mthetho, kufuneka –

- (a) acele imvume ebhaliweyo yoMcwangcisi-vimba wePHondo ngokwecandelo 18(2) lalo Mthetho, ubuncinane kwintsuku ezingama-30 phambi komhla obekwe njengomhla wodluliselo;
- (b) anike uMcwangcisi-vimba wePhondo iinkcukacha zendawo yogcino engaphandle kweziko elo okanye naliphi na elinye iziko elingaphandle kwendawo yesiqhelo yelo candelo likarhulumente; yaye
- (c) anike uMcwangcisi-vimba wePhondo nezinye iinkcukacha ezinokufunwa nguMcwangcisi-vimba wePhondo ngokomgaqwana (5).

(5) UMcwangcisi-vimba wePhondo unokuthi, emva kokufumana esi sicelo sichtshazelwe kumgaqwana (4) –

- (a) ahlole loo ndawo yokugcina ingaphandle kweziko okanye naliphi na elinye lokugcina elingaphandle kwendawo yesiqhelo yelo candelo likarhulumente, ukwenzela ukujonga ukufaneleka kwayo;
- (b) afune ukuhlolola naziphi iiplani, imizobo okanye iziketshi eziyimfuneko ukuze aqonde ukufaneleka kwaloo ndawo ichongiweyo;
- (c) afune ukuba umphathi welo candelo likarhulumente amnike nezinye iinkcukacha okanye amanye amaxwebhu ayimfuneko ukuze aqonde ukufaneleka kwaloo ndawo ichongiweyo; aze
- (d) afune ukuhlolola uhlololothu oluya kusetyenziswa ukuthutha ezo rekhodi zisiswa kuloo ndawo yogcino ingaphandle kweziko okanye naliphi na elinye iziko lokugcina elingaphandle kwelo candelo likarhulumente.

UMlawuli weeRekhodi eziselugcinweni

6.(1) Igosa elibekwe njengomlawuli weerekhodi ngumphathi wecandelo likarhulumente ngokwecandelo 18(8) lalo mthetho kufuneka –

- (a) libe nesiqinisekiso semfundo esifanelekileyo saseyunivesithi okanye eteknikhoni kungenjalo amava omsebenzi afanelekileyo kwicandelo loovimba nolawulo lweerekhodi eziselugcinweni;
- (b) libe ligqibe ngokupheleleyo ikhosи yoovimba nolawulo lweerekhodi eziselugcinweyo, evunywe nguMowangcisi-vimba wePhondo;
- (c) linolwazi oluphangaleleyo lokuma kwecandelo, imisebenzi kunye neendlela zokugcina iirekhodi zelo candelо likarhulumente; yaye
- (d) liqeshwe kwinqanaba lesithuba elingekho ngaphantsi kwelo lomncedisi-mlawuli.

**ICANDELO LESI-5
ISIHLOKO ESIFUTSHANE**

Isihloko esifutshane

7. Le miGaqo ibizwa ngokuba yimiGaqo yaKwaZulu-Natal yeNkonzo yooVimba noGcino lweeRekhodi, ka-2013.

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