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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

CONTENTS**INHOUD**

No.	Page No.	Gazette No.	No.	Bladsy No.	Koerant No.
GOVERNMENT NOTICE			GOEWERMENSKENNISGEWING		
Intelligence Services, Ministry for			Intelligensiedienste, Ministerie vir		
<i>Government Notice</i>			<i>Goewermentskennisgewing</i>		
R. 1505	Intelligence Services Act (65/2002): Intelligence Services Regulations, 2003.	2 25592	R. 1505	Wet op Intelligensiedienste (65/2002): Intelligensiediensteregulasies, 2003	73 25592

GOVERNMENT NOTICE GOEWERMENSKENNISGEWING

MINISTRY FOR INTELLIGENCE SERVICES MINISTERIE VIR INTELLIGENSIEDIENSTE

No. R. 1505

16 October 2003

MINISTRY FOR INTELLIGENCE SERVICES

Notice in terms of section 37 of the Intelligence Services Act, 2002 (Act 65 of 2002) read in conjunction with section 101(3) of the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996).

The Minister for Intelligence Services approved and issued the Regulations of the Intelligence Services on 22 August 2003 in terms of Section 37(1) and (5) of the Intelligence Services Act, 2002 (Act 65 of 2002).

The following regulations in the Schedule, which are isolated in the footnote¹, apply to the members of the Public and were also approved on 22 August 2003 and are hereby issued with effect from 16 October 2003:

¹ FOOTNOTE

1. Chapter 5: Recruitment, Selection, Appointment and Termination of Service.
2. Chapter 6: Cadet recruitment and training.
3. Chapter 23: Veterans Association.
4. Chapter 24: Restrictions of former members.
5. Chapter 26: Security screening.

SCHEDULE

INTELLIGENCE SERVICES REGULATIONS, 2003

TABLE OF CONTENTS

CHAPTER I GENERAL PROVISIONS

1. PRELIMINARY
2. DELEGATIONS AND RESPONSIBILITIES
3. CHARACTER OF INTELLIGENCE
4. PROFILE OF AN INTELLIGENCE OFFICER
5. DRESS CODE

CHAPTER II ORGANISATION AND STRUCTURES

1. PURPOSE
2. ORGANISATIONAL STRUCTURE OF THE INTELLIGENCE SERVICES OR THE ACADEMY
3. ESTABLISHMENT OF ORGANISATIONAL STRUCTURES
4. CREATION AND GRADING OF POSTS FOR THE FIXED ESTABLISHMENT
5. CREATION OF POSTS
6. JOB DESCRIPTIONS, JOB TITLES AND REWARD MANAGEMENT SYSTEM
7. POWERS OF APPOINTMENT

CHAPTER III WORKING ENVIRONMENT

1. WORKING HOURS
2. OFFICIAL WORK OUTSIDE NORMAL WORKING HOURS

3. HEALTH AND SAFETY

**CHAPTER IV
JOB EVALUATION**

1. PURPOSE
2. JOB EVALUATION REQUIREMENTS
3. RESPONSIBILITIES

**CHAPTER V
RECRUITMENT, SELECTION, APPOINTMENT AND TERMINATION OF SERVICE**

1. PURPOSE
2. APPLICATION OF THE REGULATION
3. REQUIREMENTS FOR APPOINTMENT
4. APPLICATION FOR APPOINTMENT
5. FILLING OF POSTS
6. METHODS OF RECRUITMENT
7. SELECTION PROCESS
8. APPOINTMENTS
9. SECONDMENT
10. ACTING IN A HIGHER MANAGEMENT POST
11. EXTERNAL TRANSFERS
12. APPOINTMENT OF CONTRACT WORKERS
13. RE-APPOINTMENT OF FORMER MEMBERS
14. PROBATION
15. TERMINATION OF SERVICE
16. PROCEDURE APPLICABLE TO MEMBERS ON PROBATION
17. EXIT INTERVIEWS
18. MEMBER RECORDS

**CHAPTER VI
CADET RECRUITMENT AND TRAINING**

1. PURPOSE
2. RECRUITMENT
3. ASSESSMENTS
4. ADMITTANCE TO THE ACADEMY
5. CONDITIONS OF SERVICE
6. PERMANENT EMPLOYMENT AND PLACEMENT
7. EXIT PROCEDURE
8. PROBATION

**CHAPTER VII
REMUNERATION MANAGEMENT**

1. PURPOSE
2. THE REMUNERATION FRAMEWORK
3. SALARY PAYMENT, ERRONEOUS PAYMENTS, STATEMENTS AND DEDUCTIONS
4. REMUNERATION DETERMINATION
5. REMUNERATION PACKAGE

**CHAPTER VIII
SERVICE BENEFITS AND COMPENSATORY PRACTICES**

1. PROVISION OF SERVICE BENEFITS AND COMPENSATORY PRACTICES
2. ANNUAL SERVICE BONUS
3. CLOTHING ALLOWANCES
4. FOREIGN SERVICES DISPENSATION
5. FUNERAL AND CREMATION
6. GROUP ASSURANCE SCHEME

7. HOUSING ALLOWANCE
8. MEDICAL BENEFITS
9. OFFICIAL HOUSING
10. OFFICIAL PARKING
11. OFFICIAL TRAVELLING
12. PROTECTIVE CLOTHING
13. RESETTLEMENT TRANSFERS
14. SESSIONAL ASSISTANCE
15. GUARANTEE SCHEME
16. SUBSIDISED TRANSPORT
17. VEHICLE ALLOWANCE SCHEME FOR ESSENTIAL USERS (VA SCHEME)
18. VEHICLE ALLOWANCE SCHEME FOR SENIOR MEMBERS (VSSM SCHEME)

CHAPTER IX DEDUCTIONS

1. DEDUCTIONS FROM SALARY

CHAPTER X LEAVE

1. LEAVE BENEFIT
2. UNAUTHORISED ABSENCE FROM DUTY
3. LEAVE CATEGORIES
4. VACATION LEAVE
5. SICK LEAVE
6. SPECIAL LEAVE
7. DAY OF REST

CHAPTER XI PERFORMANCE MANAGEMENT

1. PURPOSE

2. PERFORMANCE MANAGEMENT
3. CONDITIONS
4. PERFORMANCE AGREEMENTS
5. ALIGNMENT OF PERFORMANCE MANAGEMENT WITH STRATEGIC PLANNING AND BUDGETING
6. RESPONSIBILITIES OF MANAGEMENT
7. RESPONSIBILITIES OF A MEMBER
8. MANAGING POOR PERFORMANCE
9. PERFORMANCE REQUIREMENTS
10. ORGANISATIONAL PERFORMANCE MEASUREMENT
11. APPROVAL OF PERFORMANCE MEASUREMENT SYSTEM
12. REWARDS

CHAPTER XII PROMOTIONS

1. PURPOSE
2. PROMOTIONS

CHAPTER XIII CAREER PATH AND DEVELOPMENT

1. PURPOSE
2. CAREER PATH AND DEVELOPMENT
3. PROCEDURAL CONSIDERATION

CHAPTER XIV TRAINING AND DEVELOPMENT

1. PURPOSE
2. TRAINING AND DEVELOPMENT
3. PROCEDURAL FRAMEWORK

CHAPTER XV**EMPLOYMENT EQUITY**

1. PURPOSE
2. APPLICATION OF THE REGULATION
3. PROHIBITION OF UNFAIR DISCRIMINATION
4. MEDICAL TESTING
5. PSYCHOLOGICAL TESTING AND OTHER SIMILAR ASSESSMENTS
6. APPLICANTS
7. DISPUTES
8. BURDEN OF PROOF
9. DUTIES OF THE DIRECTOR-GENERAL OR CEO: AFFIRMATIVE ACTION
10. AFFIRMATIVE ACTION MEASURES
11. CONSULTATION WITH MEMBERS
12. MATTERS FOR CONSULTATION
13. ANALYSIS
14. EMPLOYMENT EQUITY PLAN
15. APPOINTMENT OF AN EMPLOYMENT EQUITY MANAGER(S)
16. ASSESSMENT OF COMPLIANCE
17. REVIEW BY THE INTELLIGENCE SERVICES COUNCIL
18. ESTABLISH AN EQUITABLE WORKING ENVIRONMENT
19. BREACH OF CONFIDENTIALITY
20. REPORTS
21. LEGAL DUTIES OF MEMBERS

**CHAPTER XVI
CONSULTATION**

1. PURPOSE
2. PRINCIPLES
3. MECHANISMS
4. RIGHTS OF MEMBERS

5. OBLIGATIONS OF SENIOR MEMBERS
6. DISCLOSURE OF INFORMATION
7. CONSTITUTION OF CONSTITUENCY FORUMS
8. MEETINGS OF A CONSTITUENCY FORUM
9. ORGANISATIONAL STAFF FORUM
10. CONSULTATION COMMITTEE
11. STAFF COUNCIL
12. FUNCTIONING OF THE INTELLIGENCE SERVICES COUNCIL
13. CONSULTATION ON CONDITIONS OF SERVICE
14. CONSIDERATION OF RESPONSES
15. LAWFUL INSTRUCTION
16. RULES
17. GENERAL

CHAPTER XVII GRIEVANCE PROCEDURE

1. PURPOSE
2. COMPLAINT AND GRIEVANCE
3. RIGHT TO REPRESENTATION
4. PROCEDURE
4. PANEL OF ADJUDICATORS
5. BREACH OF CONFIDENTIALITY

CHAPTER XVIII DISCIPLINARY PROCEDURE

1. DISCIPLINARY PROCEEDINGS FOR LESS SERIOUS MISCONDUCT
2. RECORD KEEPING
3. CONDUCT SHEETS
4. RIGHT TO REPRESENTATION

5. INVESTIGATIONS INTO MISCONDUCT
6. PROCURATOR
7. DISCIPLINARY PANEL
8. APPEALS BOARD
9. SUSPENSIONS AND TRANSFERS
10. DURATION OF A DISCIPLINARY HEARING
11. PROCEDURES FOR CHARGING A MEMBER
12. ATTENDANCE OF A DISCIPLINARY HEARING
13. CONDUCTING A DISCIPLINARY HEARING
14. SENTENCE
15. APPEALS
16. CONSIDERATION OF THE APPEAL BY THE MINISTER
17. PROCEDURE APPLICABLE TO A MEMBER ON PROBATION
18. INDEMNITY WITH RESPECT TO MISCONDUCT

APPENDIX A

1. MISCONDUCT
2. PROCEDURES FOR CORRECTIVE COUNSELLING
3. PROCEDURES FOR ISSUING A VERBAL WARNING
4. PROCEDURES FOR ISSUING A WRITTEN WARNING
5. PROCEDURES FOR ISSUING A FINAL WRITTEN WARNING
6. PROCEDURES FOR CONDUCTING A DISCIPLINARY HEARING

CHAPTER XIX POOR PERFORMANCE

1. APPLICATION OF THE REGULATION
2. INSTITUTING PROCEEDINGS FOR POOR PERFORMANCE
3. RECORD KEEPING
4. RIGHT TO REPRESENTATION

5. PROCURATOR
6. APPOINTMENT OF THE PANEL INTO POOR PERFORMANCE
7. APPEALS BOARD
8. TRANSFERS
9. DURATION OF THE POOR PERFORMANCE HEARING
10. PROCEDURES FOR CONDUCTING A POOR PERFORMANCE HEARING
11. ATTENDANCE AT A HEARING INTO POOR PERFORMANCE
12. CONDUCTING A HEARING INTO POOR PERFORMANCE
13. SANCTION
14. APPEALS
15. CONSIDERATION OF THE APPEAL BY THE MINISTER
16. PROCEDURE APPLICABLE TO A MEMBER ON PROBATION

APPENDIX A

1. PROCEDURES FOR CONDUCTING A HEARING INTO POOR PERFORMANCE

CHAPTER XX MEDICAL UNFITNESS

1. PURPOSE
2. RECORD KEEPING
3. RIGHT TO REPRESENTATION
4. SPECIAL LEAVE
5. DURATION OF THE MEDICAL BOARD OF INQUIRY PROCEEDINGS
6. PROCEDURES BEFORE THE INSTITUTION OF A MEDICAL BOARD OF INQUIRY
7. PROCURATOR
8. APPOINTMENT OF THE MEDICAL BOARD OF INQUIRY
9. APPEALS BOARD
10. INSTITUTING A MEDICAL BOARD OF INQUIRY
11. ATTENDANCE OF A MEDICAL BOARD OF INQUIRY

12. CONDUCTING AN INQUIRY INTO MEDICAL UNFITNESS
13. APPEAL
14. CONSIDERATION OF THE APPEAL BY THE MINISTER

APPENDIX A

1. PROCEDURES FOR CONDUCTING A MEDICAL INQUIRY

CHAPTER XXI FINANCIAL INTEREST

1. PURPOSE
2. RECEIPT AND DECLARATION OF GIFTS
3. FINANCIAL INTEREST DISCLOSURE
4. CONFIDENTIALITY OF SUBMITTED FORMS
5. REMUNERATIVE WORK OUTSIDE THE INTELLIGENCE SERVICES OR THE ACADEMY
6. CONFLICT OF INTEREST
7. FAILURE TO DISCLOSE INTERESTS

CHAPTER XXII RETIREMENT ON MEMBER'S WRITTEN REQUEST

CHAPTER XXIII VETERANS ASSOCIATION

1. PURPOSE
2. APPLICATION OF THE REGULATION
3. HEADQUARTERS
4. LANGUAGE
5. PATRON
6. MEMBERSHIP OR AFFILIATION
7. TERMINATION OF MEMBERSHIP
8. MEMBERSHIP OR AFFILIATION FEE

9. COMPOSITION OF THE VETERANS ASSOCIATION
10. FUNCTIONS OF THE NATIONAL BOARD
11. AFFILIATED GROUPS
12. DISBANDMENT OF THE ASSOCIATION
13. RESPONSIBILITY OF THE INTELLIGENCE SERVICES AND THE ACADEMY FOR THE ASSOCIATION

CHAPTER XXIV RESTRICTIONS OF FORMER MEMBERS

1. PURPOSE
2. CONFIDENTIALITY
3. APPLICATION FOR CONSENT TO DISCLOSE CLASSIFIED INFORMATION
4. APPLICATION FOR A CLEARANCE CERTIFICATE PERMITTING EMPLOYMENT IN THE PRIVATE SECURITY INDUSTRY
5. APPEALS

APPENDIX A

1. FORM 1: APPLICATION BY A FORMER MEMBER OF THE INTELLIGENCE SERVICES OR THE ACADEMY FOR CONSENT TO DISCLOSE CLASSIFIED INFORMATION
2. FORM 2: APPLICATION BY A FORMER MEMBER OF THE INTELLIGENCE SERVICES OR THE ACADEMY FOR A CLEARANCE CERTIFICATE
3. FORM 3: APPEAL BY A FORMER MEMBER OF THE INTELLIGENCE SERVICES OR THE ACADEMY AGAINST A DECISION OF THE DIRECTOR-GENERAL OR CEO

CHAPTER XXV SECURITY

1. PHYSICAL SECURITY
2. LEGAL DUTY OF MEMBERS
3. DOCUMENT SECURITY
4. DECLASSIFICATION
5. COMMUNICATION SECURITY
6. COMPUTER SECURITY

7. RE-EVALUATION OF DOCUMENTS
8. BREACH OF SECURITY
9. CONTINGENCY PLANNING

CHAPTER XXVI SECURITY SCREENING

1. GENERAL
2. CLEARANCE LEVELS
3. FACTORS RELEVANT TO ACQUIRING A SECURITY CLEARANCE
4. SECURITY INVESTIGATION PROCEDURES
5. SECURITY CLEARANCE ADVISORY BOARD (SCAB)
6. POLYGRAPH
7. REPRESENTATION
8. WITHDRAWAL, DOWNGRADING OR REFUSAL OF SECURITY CLEARANCES
9. APPEALS BOARD
10. APPEALS
11. CONSIDERATION OF THE APPEAL BY THE MINISTER
12. WAIVING OF SECURITY MEASURES

CHAPTER XXVII TOTAL WELLNESS

1. PURPOSE
2. ALCOHOL OR SUBSTANCE ABUSE
3. COMMEMORATIVE DAY
4. PERSONAL FINANCIAL MANAGEMENT
5. SPORT AND RECREATIONAL FACILITIES

CHAPTER XXVIII TRANSITIONAL ARRANGEMENTS

1. CHAPTER I

-
2. CHAPTER II
 3. CHAPTER III
 4. CHAPTER IV
 5. CHAPTER V
 6. CHAPTER VI
 7. CHAPTER VII
 8. CHAPTER VIII
 9. CHAPTER IX
 10. CHAPTER X
 11. CHAPTER XI
 12. CHAPTER XII
 13. CHAPTER XIII
 14. CHAPTER XIV
 15. CHAPTER XV
 16. CHAPTER XVI
 17. CHAPTER XVII
 18. CHAPTER XVIII
 19. CHAPTER XIX
 20. CHAPTER XX
 21. CHAPTER XXI
 22. CHAPTER XXII
 23. CHAPTER XXIII
 24. CHAPTER XXIV
 25. CHAPTER XXV
 26. CHAPTER XXVI
 27. CHAPTER XXVII
 28. CHAPTER XXVIII

CHAPTER I**GENERAL PROVISIONS****1. PRELIMINARY****(1) Short Title and Commencement**

These Regulations are called the Intelligence Services Regulations, 2003.

(2) Definitions

(a) These Regulations must be read in conjunction with the Intelligence Services Act.

(b) In these Regulations, unless the context indicates otherwise –

“Academy” means the South African National Academy of Intelligence established by section 5 of the Intelligence Services Act, Act 65 of 2002;

“access control” means the process by which access to a particular area is controlled, or restricted to authorised personnel only;

“Act” means the Intelligence Services Act, Act 65 of 2002;

“active members” means members who are employed by the Intelligence Services or the Academy, as the case may be, on a permanent basis and therefore exclude retired members;

“affirmative action measures” includes but is not limited to measures designed to ensure that suitably qualified people from designated groups have equal employment opportunities and are equitably represented in all occupational categories and levels in the Intelligence Services or the Academy, as the case may be;

“applicant” means a person or a member who applies for employment and/or another post in the Intelligence Services or the Academy, as the case may be;

“appointment” means employment;

“approved establishment” means the posts that the Minister has approved to carry out the core and support functions of the Intelligence Services or the Academy, as the case may be;

“basic salary” means the salary notch applicable to a member allocated per job level range within an occupational band according to the remuneration management system approved by the Minister;

“benchmark” means the initial evaluation of a job within the Intelligence Services or the Academy, as the case may be;

“black people” is a generic term, which means Africans, Coloureds and Indians;

“cadet” means a young person from a recognised tertiary institution or high school, recruited to study at the Academy but who is currently not a member;

"calendar month" refers to all the days in a month including weekends and public holidays, from the first to the last day of the month;

"CEO" means the Head of the Academy;

"child" means a member's natural child, or a stepchild or legally adopted child, who has not reached the age of 21 years, or a child who has been placed in the legal custody, recognised by law, of the member, his or her spouse or partner;

"communication security" means direct or indirect communication;

"competence" means the blend of knowledge, skills, behaviour and aptitude that a person applies in the working environment, which indicates the person's ability to meet the requirements of a specific post;

"consecutive days" means calendar days including weekends and public holidays;

"consultation service" refers to the medical consultation service including a theatre and dispensary that provides in-house services to persons entitled to OPMED benefits;

"continuation member" means a member, with his or her registered dependants, if any, who retains his or her membership status with OPMED without prejudice or limitation of a continued period of membership in the event of his or her retirement from the Intelligence Services or the Academy, as the case may be, or due to his or her employment being terminated by the Intelligence Services or the Academy, as the case may be, on account of reaching the retirement age, or having been declared medically unfit or due to termination of employment with a severance package, on condition that OPMED membership be retained;

"council" means a Staff Council and Consultation Council established in terms of these Regulations;

"cover member" means a member of the Intelligence Services or the Academy, as the case may be, whose relationship with the Intelligence Services and the Academy is completely concealed and who functions under deep cover for operational purposes in cases where there is a need for extreme liability, danger to life or a high risk for the exposure of countering activities;

"day" means a working day;

"day of rest" with regard to a member who does not usually work on such a day, a Saturday, Sunday or a public holiday, and in the case of a member who usually works on a Saturday, Sunday or a public holiday, any other day on which the member, instead of such a day, is generally exempted from work;

"dependant" means spouse, partner, child or parent in respect of whom the member is liable for family care and support;

(i) for the purpose of OPMED, "dependant" refers to –

- (aa) a spouse or partner who is not a member or dependant of another medical scheme;
 - (bb) a child;
 - (cc) a member's child of 21 years and older, for whom the member is liable for family care and support, and who is not a member or dependant of another medical scheme;
 - (dd) a member's child who is a student at a school or other educational institution within the Republic of South Africa, or a child of a member who is placed abroad for official purposes where the child is in a school or educational institution of that specific country, up to the age of 26 years and who is not a member or dependant of another medical scheme;
 - (ee) a member's child who is unfit for the open labour market due to a mental or physical disability and who is not a member or dependant of another medical scheme;
 - (ff) the immediate family of a member in respect of whom the member is liable for family care and support, and who is not a member or dependant of another medical scheme;
 - (gg) such other person(s) who is (are) recognised by the OPMED management control board as a dependant(s) for purposes of the medical scheme rules;
- (ii) for the purpose of resettlement transfers and sessional assistance within the Intelligence Services or the Academy, as the case may be, "dependant" refers to –
- (aa) a partner or spouse of a member;
 - (bb) a child;
 - (cc) a family member who resides permanently with the member, who is dependent on such a member and who receives a total income that, from all sources, does not exceed the basic social pension;

"designated groups" means black people, women and people with disabilities;

"direct communication" means –

- (i) an oral communication, other than an indirect communication, between two or more persons which occurs in the immediate presence of all the persons participating in that communication; or
- (ii) an utterance by a person who is participating in an indirect communication, if the utterance is audible to another person who, at the time that the indirect communication occurs, is in the immediate presence of the person participating in the indirect communication;

"Director-General" means the head of any of the Intelligence Services;

"dispute" includes an alleged dispute;

"document" or "documentation" means –

- (i) any note or writing, whether produced by hand or printing, typewriting or any other similar process;
- (ii) any copy, plan, picture, sketch, photographic or other representation of any place or article; or
- (iii) any disc, tape, card, perforated roll or other device in which or on which sound or any signal has been recorded for reproduction;

"employment policy" includes, but is not limited to –

- (i) recruitment procedures, advertising and selection criteria;
- (ii) appointment(s) and the appointment process;
- (iii) job classification and grading;
- (iv) remuneration, employment benefits and terms and conditions of employment;
- (v) job description;
- (vi) the working environment and facilities;
- (vii) training and development;
- (viii) performance evaluation;
- (ix) promotion;
- (x) transfer;
- (xi) demotion;
- (xii) disciplinary measures other than discharge; and
- (xiii) discharge;

"family care and support" means a liability for financial support enforceable by a court of law;

"family responsibility" means the responsibility of a member in relation to his or her spouse or partner and his or her children and/or his or her parent(s);

"financial institution" means a legitimate registered bank or building society within the Republic of South Africa;

"fixed establishment" means the total number of posts created for the normal and regular requirements of the Intelligence Services or the Academy, as the

case may be, and any other such components that are administratively linked to the Intelligence Services or the Academy, as the case may be;

"forum" means the Constituency Forum and Organisational Staff Forum established in terms of these Regulations;

"Guarantee Scheme" means a guarantee issued to a financial institution in favour of a member or a collateral investment made by the Intelligence Services or the Academy, as the case may be, in favour of a member and assigned to a financial institution, to enable a member to obtain a loan for the purpose of buying property without himself or herself having due responsibility;

"gift" means any matter, object, money, reward or favour presented to a member in his or her capacity as a member of the Intelligence Services or the Academy, as the case may be, over and above the salary and benefits payable to the member;

"grade" means the relative value of a particular job reflected by the job weight, which is linked to a salary range in a salary scale used in the Intelligence Services or the Academy, as the case may be;

"grievance procedure" means a process of addressing a complaint and resolving a dispute by a member against his or her supervisor or another member;

"Group Assurance Scheme" means the Intelligence Services' or the Academy's, as the case may be, Group Assurance Scheme constituted and formulated by the Rules of the Group Policy applicable to the Intelligence Services or the Academy, as the case may be;

"Head Office" is defined for the purpose of resettlement transfers as all the offices situated in the greater metropolitan area of a town or city and not an individual headquarters. Transfer from one Head Office to another office in the same metropolitan area must therefore not be regarded as a resettlement transfer;

"health care provider" means all medical and health providers registered with the SA Medical Association and who are entitled to practise in terms of section 17 of the Health Professions Act, 1974 (Act 56 of 1974);

"HIV" means the Human Immunodeficiency Virus;

"housing allowance" refers to an amount payable to a member of the Intelligence Services and the Academy as a fringe benefit to assist him or her to obtain residential accommodation;

"household" is defined as the member and his or her dependants;

"immediate family" means a family member such as a member's father, mother, brother, sister, spouse or partner for whom the member is liable for family care and support and who is financially dependent on the member;

"indirect communication" means the transfer of information, including a message or any part of a message, whether -

- (i) in the form of –
 - (aa) speech, music or other sounds;
 - (bb) data;
 - (cc) text;
 - (dd) visual images, whether animated or not;
 - (ee) signals; or
- (ii) in any other form or in any combination of forms transmitted in whole or in part by means of a postal service or a telecommunication system;

“inherent requirements of a job” means the requirements determined by the job as well as the competencies needed by a member in order to carry out the job;

“Intelligence Services” means the National Intelligence Agency (NIA) and the South African Secret Services (SASS);

“internal positions” means vacant positions advertised within the respective Intelligence Services or the Academy, as the case may be, to enable the career advancement of active members;

“internal transfer” means the appointment of a member to a new or vacant position, or the transfer to another structure on a permanent basis within the same Intelligence Service or within the Academy;

“interdepartmental transfer” means the permanent transfer of a member from any of the Intelligence Services or the Academy, as the case may be, to another Public Service Department or from one Intelligence Service or the Academy, as the case may be, to another;

“JE Manager” means the Job Evaluation Manager System;

“job evaluation administrator” means a member trained in the job evaluation system and appointed as such within the structure responsible for the evaluation of all the jobs within the Intelligence Services or the Academy, as the case may be;

“job evaluation facilitator” means a member trained in the job evaluation system and appointed by a general manager to represent the relevant structure in job evaluation and related activities;

“job evaluation” means a process of assessing the relative worth of jobs within the Intelligence Services or the Academy, as the case may be, by applying an objective and reliable rating system;

“job weight” means the numerical value assigned to reflect selected characteristics of a job measured by a job evaluation instrument;

“Labour Relations Act” means the Labour Relations Act, 1995 (Act 66 of 1995);

"learnership programme" means learnership programme as defined in the Skills Development Act, 1998 (Act 97 of 1998);

"leave cycle" means a period of twelve months that starts from the month a member joined the Intelligence Services or the Academy, as the case may be, or in the case of a transferred member, from the date the member joined the Public Service;

"legal practitioner" means a person who is admitted to practise as a lawyer or advocate in the Republic of South Africa;

"level" means salary range or grade;

"manager" means the head of a component, division or unit in the Intelligence Services or the Academy, as the case may be, and any other such components that are administratively linked to the Intelligence Services or the Academy, as the case may be, unless specific reference is made to the positional appointment as manager on the M3 level;

"medical benefits" means benefits to which a member and his or her registered dependants are entitled to, subject to the restrictions imposed by the OPMED rules;

"medical examination" means the medical test of an applicant in order to determine his or her medical status in relation to the requirements of a specific position;

"medical necessity" means the norm to evaluate a health care service in order to determine whether it is medically appropriate and necessary to meet basic needs, appropriate for a given diagnosis or condition and cost-effective for the given condition; appropriate to be delivered in the designated setting, consistent with the benefits and exclusions of the medical scheme, and consistent with the type, frequency and duration of treatment with scientifically based guidelines of medical practice and quantifiable medical value;

"Medical Schemes Act" refers to the Medical Schemes Act, 1998 (Act 131 of 1998), as amended;

"medical scheme contribution" means the monthly amount, exclusive of interest, due by an OPMED member as his or her membership fee as well as for his or her registered dependants;

"medical scheme rules" means the rules of OPMED including those for conducting the business of the scheme (appendixes and schedules) and any other provision relating to the benefits which may be granted, as well as the contributions due as determined and revised by the OPMED Management Control Board;

"medical test" means any test, question, inquiry or other means designed to ascertain, or which has the effect of enabling the Director-General or the CEO, as the case may be, to ascertain, whether a member has any medical condition;

"medical unfitness" means that currently and for the foreseeable future the member's physical or mental condition is such that he or she cannot maintain a

satisfactory level of performance or cannot perform his or her duties except with extreme pain and discomfort, or with treatment or medication that poses a risk to his or her health, and that subject to the member's seniority and training, no reasonable alternative placement exists: Provided that this condition is of such a nature that the efficiency and effectiveness will be adversely affected for an unforeseeable period;

"member", as contemplated in Chapter XVI and for the purpose of consultation, refers to any member of the Intelligence Services or the Academy, as the case may be, who is not a senior member or a member of the labour relations, legal services, internal audit and management services function;

"misconduct" means misconduct as defined in Appendix A of Chapter XVIII;

"NCC" means National Communications Centre as a spending centre of the National Intelligence Services;

"nominee" means a person who is or was, in writing, nominated by a member as a beneficiary with regards to the Group Assurance Scheme benefits;

"official subsidised transport" refers to official transport provided for members of the Intelligence Services or the Academy, as the case may be, who do not have transport to and from work in areas where no other means of public transport exists, to enable them to commute from a central point to and from work;

"OPMED" means Optimum Medical Scheme;

"OPMED management committee" means the committee that is appointed by the Intelligence Services to manage and control the OPMED Scheme;

"OPMED Management Control Board" refers to the persons appointed and/or elected in accordance with the OPMED rules to manage and control the affairs of OPMED;

"orphan" means the child of a deceased member of whom both parents have passed away, and who is classified as such;

"partner" means an unmarried person irrespective of gender with whom the member has a relationship akin to marriage and who resides permanently with the member, sharing common assets;

"people with disabilities" means people who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in, employment;

"personnel security" means any condition created by the deliberate creation, implementation and application of security measures in order to ensure that a person who obtains access to classified information and/or restricted premises is security competent;

"physical security" means a condition and/or situation created by the deliberate creation, implementation and application of physical security measures for the protection of lives, property and information;

“political organisation” means a party, body or movement with political aims;

“poor performance” means any performance which is below the appropriate standards arising from any source other than pregnancy or medical unfitness or misconduct;

“pregnancy” means pregnancy, termination of pregnancy and any medical circumstances related to pregnancy;

“probation period” means a period within which a member, who was appointed in a particular position, is evaluated and assessed in order to determine his or her suitability for permanent appointment;

“psychometric testing” means the assessment of an applicant in order to determine the applicant's suitability in terms of personality or task requirement of a specific position;

“public holiday” means any day that is a public holiday in terms of the Public Holidays Act, 1994 (Act 36 of 1994);

“representativeness” means the extent to which the posts filled on the fixed establishment broadly reflects the composition of the South African population, with reference to race, gender and disability;

“record of poor performance” means any available record of a member's previous poor performance for which he or she was found guilty in terms of Chapter XIX;

“salary range” means a set of salaries that forms part of a salary scale linked to a specific grade and, by extension, a set of job weights;

“salary scale” means a range of salaries from a minimum to a maximum as salary for the Intelligence Services or the Academy, as the case may be, an occupational group or a unit within the Intelligence Services or the Academy, as the case may be, with specific amounts denoted as the beginning and end of salary ranges or a fixed amount or notch;

“SCAB” means the Security Clearance Advisory Board;

“secondment” means the temporary transfer of a member from the Intelligence Services or the Academy, as the case may be, to another Public Service Department, from one Intelligence Service to another, from the Intelligence Services to the Academy or from the Academy to the Intelligence Services;

“security” means any condition and/or situation created by the deliberate creation or implementation and application of security measures in order to protect persons, property or information;

“security clearance certificate” means an official document indicating the degree of security competence of a person;

“security competence” means the ability of a person to act in such a way that he or she does not cause classified information or material from being disclosed to an unauthorised member or person, in this way prejudicing or endangering the security or interests of the Intelligence Services, the Academy or the State;

“security competency investigating officer” means a member of the Intelligence Services designated by the Director-General with the authority to conduct security competency investigations;

“senior member” as contemplated in Chapter XVI, refers to any member of the Intelligence Services or the Academy, as the case may be, who functions in a post at the level of M3 to M6 and / or the equivalent posts at the S and P level.

“service of documents” means the personal handing over of documents to a member concerned by the procurator or a person assigned thereto: Provided that where all reasonable attempts to effect service have failed, a notice may be left with a suitable person at the member's last known address, or merely left at such premises if no such person is available;

“session duty” refers to parliamentary duty performed at the office of the Minister for the Intelligence Services in Cape Town as required by the Minister from time to time, and in accordance with the Department of Public Service and Administration's policy on session duty;

“spending center” refers to a structures linked to the Agency for administrative, technical and logistical support and whose accounting officer is the Director-General of the Agency, namely, the Ministry for Intelligence Services, the National Intelligence Coordinating Committee, the Presidential Support Unit, the Office of the Inspector-General of Intelligence and the National Communications Centre.

“spouse” means the registered husband or wife of a member to whom the member is married in terms of any law or custom recognised by law in the Republic of South Africa;

“Strategic Executive Management” means Director-General or CEO, as the case may be, Deputy Director(s)-General and general managers within the respective Intelligence Services or the Academy, as the case may be, in terms of Chapter XVI;

“suitably qualified person” means a person qualified for a position as a result of formal qualifications or prior learning, relevant experience or the capacity to acquire the ability to do the job within reasonable time;

“supervisor” means the immediate supervisor of a member or member that supervises the function of the member at a given time;

“Treasury Regulations” means the Treasury Regulations made in terms of the Public Finance Management Act, 1999 (Act 1 of 1999);

“week” means a period of seven consecutive days;

“workplace right” means an entitlement constituted by the applicable legislative framework and practices in the workplace; and

any other word shall have the meaning assigned thereto in the Act.

- (c) In these Regulations, if the context of circumstances so admits or requires or unless otherwise specifically stated, the above-mentioned words and

expressions shall have the meanings given to them and words importing, the singular shall be deemed to convey the plural, and *vice versa*.

(3) Statutory Authorisation

Section 37 of the Act authorises these Regulations.

(4) Scope of Application

These Regulations apply to persons, members, and to institutions governed, in terms of the Act.

(5) Repeal of Regulations and Transitional Arrangements

All Intelligence Services Regulations made and in force under the Intelligence Services Act, 1994 (Act 38 of 1994) including all amendments thereof, are hereby repealed.

- (i) Any matter contemplated under the Intelligence Services Regulations issued in terms of the Intelligence Services Act, 1994 (Act 38 of 1994) that could be contemplated under any provision of these Regulations, must be deemed to have been contemplated under the relevant provision of these Regulations.
- (ii) Despite the repeal of the Regulations, the transitional arrangements set out in Chapter XXVIII must apply.

(6) Exceptional Cases

If circumstances develop which justify deviation from the provisions and measures in these Regulations, the Minister may under stated circumstances make such determinations, issue directives or approve that alternative provisions and measures be applied.

(7) Official Text

The English text is the official text of these Regulations.

2. DELEGATIONS AND RESPONSIBILITIES

(1) Application of the Regulation

- (a) To enable the Director-General or the CEO, as the case may be, to manage his or her Intelligence Service or Academy effectively and efficiently, the Minister must provide the Director-General and the CEO with appropriate powers and authority. For the same purpose, a Director-General or the CEO, as the case may be, must empower members in the Intelligence Services or the Academy, as the case may be, by means of appropriate delegations and authorisations, where necessary.
- (b) The Minister must set measurable objectives for the Intelligence Services and the Academy, optimally utilise the Intelligence Services' and the Academy's human and other resources and apply fair labour practices.

- (c) The Director-General or the CEO, as the case may be, must set objectives to –
 - (i) promote a strong organisational culture that reflects high standards, professionalism and moral integrity; and
 - (ii) constantly improve the objectivity, timeliness and accuracy of information and the quality of either its intelligence estimates and/or its core functions, as the case may be.

(2) Delegations

- (a) If these Regulations confer a power or impose a duty upon the Minister, a Director-General or the CEO, as the case may be, he or she may, subject to the Act –
 - (i) delegate the power to a member or authorise a member to perform the duty; and
 - (ii) set conditions for the exercise of the power or performance of duty.
- (b) The Minister must record a delegation or authorisation in writing and may incorporate it in an employment contract for the Director-General or the CEO, as the case may be.
- (c) The delegation of power by the Minister, a Director-General or the CEO, as the case may be, does not prevent him or her from exercising the power personally.

(3) Responsibilities

- (a) The Minister must uphold the applications and measures set out in these Regulations.
- (b) The Minister may not require or permit a Director-General, CEO, or any other member, as the case may be, to engage in an activity or take a decision in breach of these Regulations.
- (c) A Director-General or the CEO, as the case may be, must –
 - (i) ensure that members within his or her Intelligence Service or the Academy, as the case may be, comply with these Regulations and any other statutory obligations; and
 - (ii) deal immediately and effectively with any breach thereof.

3. CHARACTER OF INTELLIGENCE

- (1) The Intelligence Services must provide evaluated information to ensure the –
 - (a) safeguarding of the Constitution;
 - (b) upholding of the individual rights enunciated in the Bill of Rights contained in the Constitution;

- (c) promotion of the interrelated elements of security, stability, cooperation and development, both within the Republic of South Africa and in relation to Southern Africa;
 - (d) achievement of national prosperity whilst making an active contribution to globally defined priorities for the well-being of humankind; and the
 - (e) promotion of the Republic of South Africa's ability to face foreign threats and enhance its competitiveness in a dynamic world.
- (2) To fulfil their mandates, the Intelligence Services must ensure that intelligence serves to -
- (a) provide policy makers with timeous, critical and unique information to warn them of potential risks and dangers;
 - (b) identify opportunities in the international environment, through assessing real or potential competitors' intentions and capabilities; and to
 - (c) assist good governance by providing honest and critical intelligence that highlights the weaknesses of government.
- (3) Intelligence must have at least all of the following attributes: accuracy, relevance, predictive capacity, and an element of warning and timeliness.
- (4) Effective intelligence requires the essential component of secrecy with a need to be sensitive to the interests and values of a democratic society.
- (5) The Intelligence Services and the Academy must recruit intelligent, competitive and motivated individuals of integrity from all sectors of the South African society to become intelligence officers. This requires a multidisciplinary approach where these officers will be recruited from a diversified pool, and an assurance that the rare skill which these individuals have is retained.
- (6) The Intelligence Services and the Academy must uphold the principles of integrity, objectivity and credibility. They must strive to be relevant to the maintenance, promotion and protection of national security.
- (7) The Intelligence Services and the Academy must be loyal to the State and the Constitutional objectives.

4. **PROFILE OF AN INTELLIGENCE OFFICER**

- (1) Attributes and qualities needed by a member to be successful as an Intelligence Officer include -
- (a) faithfulness to the Republic of South Africa and the Constitution;
 - (b) obedience to the laws of the Republic of South Africa;
 - (c) disregard for a manifestly illegal order;
 - (d) respect for the norms, values and principles of a democratic society including the basic human rights of individuals;

- (e) responsibility in the handling of information and intelligence, and the prevention, at all costs, of the unauthorised disclosure of national security interests;
- (f) the ability to facilitate an early warning system to assist policy makers in identifying harmful trends;
- (g) the ability to determine the cause and effect in order to find links in the chain of evidence, discerning between fact and fiction and distinguishing between essentials and non-essentials;
- (h) inquisitiveness, ingenuity, ability to attend to detail and express ideas clearly, correctly, concisely and completely;
- (i) facilitation of other opinions, ways of thinking and behaviour as well as understanding the reason for other people's thought processes and conduct;
- (j) flexibility and open-mindedness;
- (k) principal interests in serving intelligence while displaying moderation with regard to promoting own ambition and aspiring for personal reward;
- (l) compliance with the "need to know" principle;
- (m) integrity, trustworthiness, humanity and compassion;
- (n) strategising, displaying intuition and predictiveness;
- (o) knowledge of practical psychology to interpret an operational situation;
- (p) identification and keeping track of, and advising on political, economic, environmental and social developments nationally and internationally;
- (q) assistance in the development of effective control systems in order to maximise the collection of state revenue and reducing corruption, white-collar crime and mismanagement within state departments and public-sector agencies;
- (r) the ability to facilitate early preventive action and thereby avoiding unnecessary crises and devastating human cost;
- (s) the ability to memorise faces, events and places;
- (t) great patience;
- (u) proficiency in foreign languages in order to conduct operational tasks comfortably and readily;
- (v) courage and the ability to take risks;
- (w) simulating rage, or impatience, or sympathy, without losing control of emotions, hiding real feelings as well as assuming a false appearance, if needed;
- (x) conduct that upholds the integrity of the Intelligence Services or the Academy, as the case may be.

- (2) To engender the resolve to have an intelligence officer with the qualities outlined above, the conditions of service of the Intelligence Services and the Academy need to compare favourably with national and international best practices.

5. **DRESS CODE**

- (1) Members of the Intelligence Services and the Academy must be appropriately and suitably dressed for each specific occasion.
- (2) The Director-General or the CEO, as the case may be, must implement measures to ensure that members' dress, grooming and personal hygiene are appropriate to the work situation.
- (3) It must be the responsibility of supervisors to ensure consistency in compliance with the Intelligence Services' or Academy's dress code policy.

CHAPTER V**RECRUITMENT, SELECTION, APPOINTMENT AND TERMINATION OF SERVICE****1. PURPOSE**

The purpose of this Chapter is to specify the -

- (a) requirements and procedures for recruitment, selection, appointment and termination of service in the Intelligence Services and the Academy; and
- (b) the conditions of service applicable to those persons recruited, selected, appointed and/or whose services are terminated in the Intelligence Services and the Academy, except those conditions relating to salaries, allowances and related benefits.

2. APPLICATION OF THE REGULATION

(1) The following are fundamental aspects –

- (a) accessibility - all positions within the Intelligence Services and the Academy must be filled on a basis of competition, and must therefore be advertised openly. Requests to waive advertising procedures and/or to appoint by invitation must be referred to the Director-General or CEO, as the case may be, for approval;
 - (b) accountability - the Director-General or CEO, as the case may be, is accountable and the authority for recruitment and selection is vested with him or her;
 - (c) equity - measures must be implemented to ensure that human resource practices are free from discrimination, invisible barriers and unjustness, which will impede equal employment opportunities;
 - (d) fairness - actions and decisions must be objective, consistent and without prejudice;
 - (e) transparency - recruitment and selection processes in the Intelligence Services and the Academy must be open, transparent and subject to internal scrutiny and audit;
 - (f) professionalism - recruitment and selection processes must be conducted professionally, competently and depict the highest ethical standards.
- (2) Recruitment for rare or scarce skills in the competitive market must require the use of both advertising and headhunting.
- (3) Recruitment and selection within the Intelligence Services and the Academy must be guided and informed by a properly instituted human resource plan, derived from the Intelligence Services' or the Academy's, as the case may be, strategic planning processes.
- (4) All matters relating to the filling of positions within the Intelligence Services or the Academy, as the case may be, must be coordinated and handled by the structure responsible for recruitment and selection within the respective Intelligence Services or the Academy.

3. REQUIREMENTS FOR APPOINTMENT

- (1) Any person may apply for appointment in the Intelligence Services or the Academy, as the case may be, if the person –
 - (a) is a South African citizen;
 - (b) is at least eighteen (18) years old;
 - (c) is mentally and physically fit to perform the functions required by the Intelligence Services or the Academy, as the case may be;
 - (d) meets the educational standards determined by the Intelligence Services or the Academy, as the case may be;
 - (e) meets the security requirements determined by the Intelligence Services or the Academy, as the case may be;
 - (f) is prepared to affirm and uphold the Declaration of Allegiance;
 - (g) is prepared to undergo training as may be required from time to time; and
 - (h) is prepared to be subjected to the Code of Conduct for Intelligence Workers, and all applicable regulations and directions of the Intelligence Services or the Academy, as the case may be.
- (2) An applicant may not be appointed in the Intelligence Services or the Academy, as the case may be, unless he or she has successfully undergone the required medical testing, psychological testing and any other related assessments and examinations as may at the time of application reasonably be required by the Intelligence Services or the Academy, as the case may be.
- (3) The Director-General or CEO, as the case may be, may, subject to Chapter XV, issue directives on the tests and assessments required for various occupational groups.
- (4) An applicant's profile must be aligned with the desired attributes of an Intelligence Officer contemplated in Chapter I.
- (5) The Minister may after consultation with the Director-General or CEO, as the case may be, issue guidelines on the recruitment and appointment of Deputy Director(s)-General, Assistant Director(s)-General, general managers, managers and members on equivalent post levels, and members to be posted to foreign offices.

4. APPLICATION FOR APPOINTMENT

- (1) When applying for a position in the Intelligence Services or the Academy, as the case may be, the applicant must –
 - (a) duly complete the application form;
 - (b) submit satisfactory proof of citizenship;

- (c) submit satisfactory proof of age;
 - (d) submit satisfactory proof of having attained the required educational and training standard;
 - (e) submit the information as requested to facilitate the security screening;
 - (f) submit satisfactory documentary proof of the applicant's matrimonial or partnership status, as well as parenthood of natural or adopted children; and
 - (g) any other documentation that may be required from time to time by the Intelligence Services or the Academy, as the case may be.
- (2) A member of the Intelligence Services or the Academy, as the case may be, may apply for an advertised post within the Intelligence Services or the Academy, as the case may be, for which he or she is eligible in terms of inherent requirements for the job: Provided that where a post is at a higher level the member must have completed at least a period of one (1) year in his or her current post.
- (3) A member who intends to apply for another post must notify his or her current supervisor prior to such an application.
- (4) Where members of the Intelligence Services or the Academy, as the case may be, are headhunted or talent spotted, the headhunting or talent spotting management must inform the management of the affected member: Provided the conditions stipulated in regulation 4(2) are observed.
- (5) Whenever an applicant is required to submit a document as proof of a fact and is unable to submit the original or a certified copy of the document, he or she may submit a sworn or confirmed affidavit in affirmation of the fact to be proved and state the reason for the unavailability of the original or certified copy: Provided that the Director-General or CEO, as the case may be, may take steps to verify the contents of such documentation.

5. FILLING OF POSTS

A process contemplated in Chapter II must precede the filling of newly created or existing vacant posts.

6. METHODS OF RECRUITMENT

(1) Advertising

- (a) Vacant posts may be advertised both internally within the Intelligence Services or the Academy, as the case may be, and externally, with a specific job level indicated. Preference must be given to members.
- (b) The Director-General or CEO, as the case may be, may waive advertising procedures, and by invitation appoint a person to fill a post according to the provisions contemplated in regulation 8(3).
- (c) The advertisement must specify the requirements and criteria set for the post.

- (d) The structure responsible for recruitment and selection within each of the Intelligence Services or the Academy, as the case may be, must be responsible for the compilation of the advertisement, in consultation with the relevant line management.
- (e) Care should be taken not to include any potentially discriminating criteria in the advertisement of posts.
- (f) The closing date for applications must allow sufficient time for potential applicants to receive relevant information on the post, and to submit their applications within the given period.
- (g) Applications must be forwarded and registered by the structure responsible for recruitment and selection within each of the Intelligence Services or the Academy, as the case may be. The relevant structure must acknowledge receipt of all applications.

(2) Headhunting

- (a) Headhunting as a method of recruitment may be used simultaneously with advertising according to regulation 6(1).
- (b) Headhunting measures may be used to identify and invite a number of applicants with specific relevant skills, which are not readily available in the open market.
- (c) The Intelligence Services or the Academy, as the case may be, may utilise the services of registered and security-cleared recruitment consultancies to reach a targeted pool of persons, and to enhance the headhunting capacity.

(3) Talent spotting

Talent spotting may be utilised to identify persons with specific talents and skills for recruitment.

7. SELECTION PROCESS

- (1) The selection process must consist of the following three (3) phases –
 - (a) pre-selection;
 - (b) *selection; and*
 - (c) post-selection.
- (2) The General Manager responsible for Human Resources must ensure the co-ordination of the three selection phases and submission of reports to the Appointment and Selection Board for processing.
- (3) The pre-selection phase consists of –
 - (a) shortlisting;
 - (i) this must take place as soon as is possible after the closing date for the submission of applications;

- (ii) the structure responsible for recruitment and selection must conduct a preliminary shortlisting of applicants;
 - (iii) the interview panel must meet to plan the selection criteria prior to the interviews.
- (b) reference and preliminary security checks on short-listed applicants prior to interviews.
- (4) The interview panel provides the requirements and criteria set for the post to all assessment units.
- (5) The interview panel must be constituted prior to the commencement of the selection process.
- (6) The interview panel must be representative in terms of gender and race, and consist of a member from –
 - (a) line management;
 - (b) human resources; and
 - (c) a member from a component outside the component the candidate is interviewed for.
- (7) *The selection phase consists of panel interviews and assessments as follows -*
 - (a) panel interviews;
 - (i) these interviews must take place within a reasonable period after the pre-selection phase has been concluded.
 - (ii) the overall purpose of the interview is to –
 - (aa) provide information about the nature of the Intelligence Services or the Academy, as the case may be, and the responsibilities attached to the post;
 - (bb) elicit information on the applicant's previous experience and qualifications insofar as they relate to the job requirements;
 - (cc) assess competence, particularly behavioural attributes and language ability; and
 - (dd) afford the line manager an opportunity to have personal interaction with the applicants.
 - (iii) the interviews and/or questions must be based on competencies determined by the Director-General or CEO, as the case may be.
 - (b) assessments;
 - (i) assessment tests must be conducted by trained assessors.

- (ii) the assessment process must be competency-based and may include the following tests -

- (aa) conventional assessment centre exercises;
- (bb) psychometric tests;
- (cc) medical tests; and
- (dd) job samples.

- (8) The post-selection phase consist of -

- (a) security screening, that may commence at any time during the selection process.

- (b) Selection and Appointment Board;

- (i) A Selection and Appointment Board must be constituted within the respective Intelligence Services or the Academy, as the case may be: Provided that the Minister may determine that a Selection and Appointment Board may be established for a spending center within the Agency, comprising -

- (aa) The Head responsible for the Human Resources function;
- (bb) The senior manager responsible for coordination of human resources in the spending centre the candidate is interviewed for, where relevant;
- (cc) The Head or a designated member responsible for Internal Security;
- (dd) The manager of the post to be filled;
- (ee) A member designated by the Board to be the chairperson; and
- (ff) The Chairperson of the Staff Council.

- (iii) the functions of the Board are to-

- (aa) receive all selection assessments from the assessment panel;
- (bb) consolidate recommendations or findings of the various assessment units that conducted the assessments;
- (cc) to evaluate the recommendations and to select the successful candidate in accordance with requirements and criteria set for the post;
- (dd) to inform the applicant with regard to the conditions of service applicable to the Intelligence Services or the Academy, as the case may be.

- (iv) the Board must record and submit reasons for its decisions and or recommendations to the Minister, the Director-General or CEO, as the case may be.

8. APPOINTMENTS

- (1) The Minister, the Director-General or CEO, as the case may be, must make an appointment after satisfying himself or herself that the applicant meets all the requirements and criteria set for the post, and as recommended by the Selection and Appointment Board.
- (2) Where the Minister, the Director-General or CEO, as the case may be, does not accept the recommendation of the Board, he or she must record the reasons for such in writing.
- (3) The Minister, the Director-General or CEO, as the case may be, may, by invitation, appoint a person in exceptional circumstances outside the process contemplated in regulation 7. Exceptional circumstances refer to -
 - (a) redeployment to resolve personal circumstances, redundancy situations or a member returning from a foreign posting;
 - (b) appointment to a new or different position where such appointment forms part of a restructuring process: Provided that redeployment and/or appointment in a new position must be finalised after consultation with the member concerned;
 - (c) transfer to a vacant post with a view to meeting employment equity requirements;
 - (d) securing a particular person with scarce skills, not readily available in the Intelligence Services or the Academy, as the case may be;
 - (e) contract employment contemplated in regulation 12, to address a particular need; and
 - (f) where the Minister, the Director-General or CEO, as the case may be, is convinced that such appointment may be in the best interest of the Intelligence Services or the Academy, as the case may be.

9. SECONDMENT

- (1) The Minister, the Director-General or CEO, as the case may be, may, on such conditions as may be determined by him or her and with the consent of a member, second such a member to another Public Service Department, any entity or Intelligence Service or the Academy under the control of the Minister for a particular service and/or for a period of time.
- (2) The recipient Public Service Department or entity or Intelligence Service or the Academy under his or her control must bear the inclusive costs of secondment, unless the agreement states otherwise.

10. ACTING IN A HIGHER MANAGEMENT POST

- (1) The Minister, Director-General or CEO, as the case may be, may appoint a member to act in a higher management post.

- (2) A member in a post, one level lower than the vacant post or on an equivalent level to the vacant post or on a level higher than the vacant post, may be appointed by the Minister, the Director-General or CEO, as the case may be, to act in a management post for a period not exceeding twelve (12) months.
- (3) The Minister, Director-General or CEO, as the case may be, may appoint a member on a lower level to act in a management post: Provided that –
 - (a) a suitable member in a post contemplated in regulation 10(2) is not available, and
 - (b) such an appointment is for a period not exceeding three (3) months.
- (4) The Director-General or CEO, as the case may be, must compensate such a member for acting in a higher vacant management post (M-level posts) in the form of an allowance if the acting period exceeds 44 consecutive working days contemplated in Chapter VII.
- (5) A member may not act in more than one post at the same time.

11. **EXTERNAL TRANSFERS**

The Minister, the Director-General or CEO, as the case may be, must approve all external transfers, including transfers from one Intelligence Service to another or to the Academy and *vice versa*, as the case may be: Provided that transfers on account of public interest may only be approved by the Minister.

12. **APPOINTMENT OF CONTRACT WORKERS**

- (1) A contract must be concluded between the person and the Intelligence Services or the Academy, as the case may be.
- (2) The contract of employment must stipulate all the terms and conditions of employment.

13. **RE-APPOINTMENT OF FORMER MEMBERS**

The Minister, Director-General or CEO, as the case may be, may not re-appoint a former member as a member if –

- (a) he or she left the Intelligence Services or the Academy, as the case may be, sooner than the formal retirement age on condition that he or she would not accept or seek re-appointment;
- (b) he or she took a severance package on condition that he or she would not accept or seek re-appointment;
- (c) the original grounds for termination of service outweigh the need or request for re-appointment; or

- (d) the former member left the Intelligence Services or the Academy, as the case may be, due to ill health and is unable to provide recent and conclusive medical evidence of recovery.

14. PROBATION

- (1) All new appointments within the Intelligence Services or the Academy, as the case may be, including transfers from other Public Service Departments or Public entities, are subject to a twelve-month (12) probation period, except that the –
 - (a) Minister, Director-General or CEO, as the case may be, may exempt a person who is transferred to the Intelligence Services or the Academy, as the case may be, from any organ of state if the person concerned, immediately prior to the transfer, served in a permanent capacity in that organ of state; and
 - (b) the probation period of newly appointed learner-technicians must be equal to the minimum period needed to obtain the minimum educational qualifications or to complete the technical training required by the Intelligence Services or the Academy, as the case may be.
- (2) A Director-General or CEO, as the case may be, may extend a probation period for a maximum of six (6) months, if he or she has reason to believe that it will be in the interest of the concerned Intelligence Service or Academy, as the case may be, to do so, according to Chapters XVIII and IX.
- (3) A member's permanent appointment may be confirmed by the Director-General or CEO, as the case may be, if the general manager of a member on probation certifies that the member has, during the period of probation or extended period of probation, complied with the conditions and requirements of the concerned Intelligence Service or the Academy, as the case may be.
- (4) A general manager of a member on probation must ensure that –
 - (a) the member, at the commencement of the probationary period, knows the performance and other requirements for obtaining confirmation of appointment;
 - (b) the member, on a quarterly basis, receives written feedback on his or her performance and compliance with other requirements;
 - (c) if necessary, the member receives training, counselling or other assistance to meet the requirements for confirmation;
 - (d) the member receives written confirmation of appointment at the end of the probationary period, if he or she has been found suitable for the relevant post; and
 - (e) the member, subject to a procedure contemplated in Chapters XVIII to XX, when dismissal is considered as a result of misconduct, poor performance or medical unfitness, is afforded the opportunity to state his or her case during which process the member may be assisted by a representative: Provided that such a representative must be a member of the Intelligence Services or the Academy, as the case may be, and has the right to accept or refuse to do so.

15. TERMINATION OF SERVICE

- (1) The service of a member of the Intelligence Services or the Academy, as the case may be, may be terminated upon –
 - (a) the retirement of the member;
 - (b) the resignation or voluntary retrenchment of the member;
 - (c) death;
 - (d) the non-confirmation of a probationary appointment; or on account of
 - (e) misconduct;
 - (f) medical unfitness;
 - (g) poor performance;
 - (h) operational requirements;
 - (i) public interest;
 - (j) absence without the permission of the Director-General or CEO, as the case may be, for a period exceeding fourteen (14) consecutive days;
 - (k) absence as a result of other employment;
 - (l) security considerations;
 - (m) instigation of or participation in a strike;
 - (n) imprisonment without the option of a fine; or
 - (o) upon failure to meet probation requirements.
- (2) The retirement, resignation or voluntary retrenchment of Deputy Director(s)-General, Assistant Director(s)-General, general managers and managers or members in equivalent posts must be noted by the Minister.
- (3) Unless the Minister, the Director-General or CEO, as the case may be, determines otherwise, the resignation of a member in respect of whom any hearings, inquiries or proceedings instituted in terms of the Act and these Regulations are pending, may not take effect until the completion of the hearings, procedure or inquiry. If a member resigns, the Director-General or CEO, as the case may be, may deem the resignation as a discharge.
- (4) A member may resign voluntarily if he or she has given the Director-General or CEO, as the case may be, at least 30 calendar days written notice of the intention to resign: Provided that the –
 - (a) notice period may be reduced by the Minister, the Director-General or CEO, as the case may be, on the request of the member; or

- (b) the Minister, the Director-General or CEO, as the case may be, may accept the resignation of the member at any time prior to the expiry of the notice period without loss to any employment-related benefits that the member would have been entitled to up to the end of the notice period.

16. PROCEDURE APPLICABLE TO MEMBERS ON PROBATION

The procedure contemplated in Chapter XVIII applies to members on probation in the case of disciplinary procedure and Chapter XIX in the case of poor performance.

17. EXIT INTERVIEWS

- (1) The structure responsible for human resources must conduct exit interviews with all departing members: Provided that the Director-General or CEO, as the case may be, may nominate any other structure to participate during the interviews.
- (2) The information gathered during the exit interviews must be used to address problems relating to personnel turnover and, where relevant, for security purposes.
- (3) Where circumstances dictate, the panel conducting the exit interview may include representation from the structure responsible for internal security.

18. MEMBER RECORDS

The Intelligence Services or the Academy, as the case may be, must keep records of each member and each post on the approved establishment in accordance with the security and confidentiality requirements issued by the Minister as well as the provisions of the National Archives of South Africa Act, 1996 (Act 43 of 1996).

CHAPTER VI**CADET RECRUITMENT AND TRAINING****1. PURPOSE**

The purpose of this Chapter is to specify the -

- (a) requirements and procedures for the recruitment and placement of cadets in the Intelligence Services or the Academy, as the case may be;
- (b) training period of cadets in the Academy or other recognised training institutions; and the
- (c) conditions applicable to cadets placed in the Intelligence Services or the Academy, as the case may be.

2. RECRUITMENT

- (1) The Director-General and CEO, as the case may be, may recruit cadets at institutions of Higher Learning as defined in the Higher Education Act, 1997 (Act 101 of 1997).
- (2) The Director-General or CEO, as the case may be, may under exceptional circumstances recruit a limited number of cadets directly from high schools: Provided that recruited cadets are in Grade 12.
- (3) The CEO must establish a committee, responsible for the selection of cadets, comprising-
 - (a) the Deputy Head of the Academy;
 - (b) a senior manager who performs a human resources function within the Intelligence Services, a spending agency or the Academy, as the case may be;
 - (c) a General Manager representing line function;
 - (d) a member from the Ministry responsible for Public Relations;
 - (e) a senior manager responsible for training in the Academy.
- (5) The Intelligence Services or the Academy, as the case may be, may provide study bursaries to recruited cadets, under circumstances determined by the Director-General or CEO, as the case may be, and contemplated in Chapter XIV.
- (6) The rules applicable to study bursaries to members of the Intelligence Services or the Academy, as the case may be, must apply to cadets.

3. ASSESSMENTS

- (1) Cadets must prior to placement at the Academy, undergo relevant assessment tests and exercises to determine their suitability for placement at the Academy.

- (2) The CEO may, after consultation with the Intelligence Services and the NCC, issue directives on the assessment programmes for cadets.

4. **ADMITTANCE TO THE ACADEMY**

- (1) The CEO may issue directives on the –
 - (a) qualifying requirements that need to be met by each student for admittance to the Academy;
 - (b) training curriculum and relevant learnership programmes for cadets;
 - (c) duration of the training programme for cadets.
- (2) No cadet may be placed at the Academy without a security screening certificate unless the Minister has issued a temporary clearance certificate in accordance with section 14(6) of the Act.

5. **CONDITIONS OF SERVICE**

- (1) All cadets must be employed on contract during the training period: Provided that the terms and conditions of the contract are determined by the Minister after consultation with the Director-General and the CEO.
- (2) A cadet may not be a member of a trade union.
- (3) A cadet is not a member as defined in the Act.

6. **PERMANENT EMPLOYMENT AND PLACEMENT**

- (1) A cadet may be appointed in an Intelligence Service or the Academy, as the case may be, after successful completion of the learnership programme.
- (2) For permanent employment within the Intelligence Services or the Academy, as the case may be, a cadet must comply with the recruitment, selection and appointment requirements contemplated in Chapter V.
- (3) For purposes of placement, a cadet must have successfully undergone competency assessment tests and a security clearance test according to the provisions of Chapter V.
- (4) The CEO must establish a selection board to consider the various assessment reports, including the learnership results, comprising –
 - (a) Deputy Directors-General responsible for core and human resource function within the Intelligence Services or a spending center as the case may be;
 - (b) the Deputy Head of the Academy;
 - (c) general managers responsible for the relevant core functions and human resources;

- (d) the Chairperson of the Staff Council.

7. EXIT PROCEDURE

- (1) A cadet who does not –

- (a) comply with the requirements for appointment in the Intelligence Services or the Academy, as the case may be;
- (b) successfully complete the prescribed courses at the Academy; or
- (c) qualify for placement within a specific post, in the Intelligence Service or the Academy, may be placed as follows -
 - (i) within the Public Service;
 - (ii) within another institution determined by the Director-General or CEO, as the case may be, or
 - (iii) in a cover environment on contract:

Provided that if a cadet does not meet the academic criteria for admittance, he or she must re-register for the cadet programme within a period of one (1) year.

- (2) Notwithstanding the provisions of regulation 7(1), the CEO may terminate the contract of a cadet who does not meet the requirements contemplated in regulation 7(1) or in terms of Chapters XVIII or XIX according to procedures applicable to members on probation or in terms of Chapter XX.
- (3) The CEO may accept a cadet's request for termination of the contract.

8. PROBATION

After appointment of a cadet as a member in the Intelligence Services or the Academy, as the case may be, he or she must be on probation for a period of twelve (12) months according to the provisions contemplated in Chapter V.

CHAPTER XXIII**VETERANS ASSOCIATION****1. PURPOSE**

The purpose of this Chapter is to provide a regulatory framework for the formation of a Veterans Association for former members who would like to serve the Association.

2. APPLICATION OF THE REGULATION

- (1) The formation of a Veterans Association must be according to the "Intelligence Officer for Life" principle.
- (2) The Veterans Association must represent the interest of its members at national level.
- (3) The Veterans Association, the Intelligence Services and the Academy must establish and maintain a close relationship with each other.
- (4) The Veterans Association must promote comradeship and social interest among the members of the Association.
- (5) The Veterans Association may not discriminate against any member of the Association on one or more grounds, including race, gender, sex, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV-status, conscience, belief, political opinion, culture, and language.

3. HEADQUARTERS

The seat of the headquarters of the Veterans Association must be determined by the Executive Committee contemplated in regulation 9.

4. LANGUAGE

- (1) English must be the official language.
- (2) Affiliated groups may decide which language(s) they must use within the groups: Provided that all correspondence is conducted in English.

5. PATRON

The Minister or a person delegated by the Minister must act as the Veterans Association's patron.

6. MEMBERSHIP OR AFFILIATION

- (1) Membership to the Veterans Association is voluntary.

- (2) A former member of the Intelligence Services or the Academy, as the case may be, or the widow or widower of a retired member or groups of retired members, may obtain membership without any restriction on location whether inside or outside the borders of the Republic of South Africa: Provided that such a former member was not discharged from the Intelligence Services or the Academy, as the case may be, due to misconduct contemplated in Chapter XVIII or poor performance contemplated in Chapter XIX.
- (3) Membership or affiliation may be granted to individuals and groups who apply in writing to the Veterans Association Board.
- (4) A minimum of ten (10) former members of the Intelligence Services, who comply with the criteria contemplated in regulation 6(2), may affiliate with the Veterans Association as a group.
- (5) If former members, regardless of the reason, prefer not to join an affiliated group, the Association must accommodate such persons as members: Provided that –
 - (a) they comply with the criteria contemplated in regulation 6(2);
 - (b) such members accept that they must forgo the social togetherness and support that are characteristic of affiliated groups; and
 - (c) that they do not have the right to vote at the annual or any special general meeting.

7. **TERMINATION OF MEMBERSHIP**

Membership of an affiliated group or as an associate member may be terminated after a notice period of 30 consecutive days if -

- (a) such an affiliated group or individual terminates membership in writing at a date prior to the date the affiliation/membership fee is payable;
- (b) an affiliated group or individual continually fails to pay the affiliation/membership fee after a written reminder by the National Board;
- (c) a newly registered affiliated group or individual fails to pay the affiliation/membership fee;
- (d) it was found after an investigation that the Association was dishonoured or embarrassed by an individual member or affiliated group's conduct to the extent that the objectives of the Association were prejudiced.

8. **MEMBERSHIP OR AFFILIATION FEE**

- (1) An affiliation fee for affiliated groups and individuals must be determined annually at a general meeting. Associate members must be assessed individually on the same basis as members of affiliated groups and fees are payable in advance.
- (2) It is the responsibility of the National Board to revise the affiliation fee annually.

9. COMPOSITION OF THE VETERANS ASSOCIATION

(1) National Board

- (a) The Association must be governed and managed by a National Board consisting of -
 - (i) a chairperson;
 - (ii) a vice chairperson;
 - (iii) a secretary;
 - (iv) a treasurer;
 - (v) the chairperson of each affiliated group (ex-officio members);
 - (vi) a maximum of two (2) co-opted members who must be members of the Association;
 - (vii) a manager whose responsibility incorporate the Veterans Association within the Intelligence Services.
- (b) The election procedures are as follows -
 - (i) notice of the annual general meeting, the date, venue and time must be given to affiliated groups and associate members at least three (3) months in advance of the meeting;
 - (ii) the notification must include a nomination form;
 - (iii) on receipt of the notification, affiliated groups must arrange for their own annual general meeting to take place at least 30 consecutive days prior to the annual general meeting of the Association -
 - (aa) candidates must be nominated for the respective positions in a manner decided upon by the affiliated group itself;
 - (bb) nominees must accept their nomination in writing and this must reach the secretary of the National Board not later than four (4) consecutive days prior to the date of the annual general meeting;
 - (cc) all valid nominations for the election of the respective positions must be presented at the annual meeting and the election of members to the National Board must be made by means of secret ballot.

(2) Executive Committee

- (a) The Executive Committee must consist of a chairperson, a vice chairperson, a secretary, a treasurer and an additional member elected by the National Board for this purpose.
- (b) It is the responsibility of the Executive Committee to ensure effective daily functioning of the Association. Their functions must include addressing of general enquiries, processing membership applications and to providing approval to the treasurer of the National Board for ongoing expenses.

- (c) The Executive Committee may act on behalf of the Board for the day-to-day managing of the Association: Provided that the Committee reports to the Board on all decisions taken.

10. **FUNCTIONS OF THE NATIONAL BOARD**

The Board is responsible for –

- (a) annual planning;
- (b) meeting objectives set out for the Association;
- (c) the execution of objectives and directives decided upon at the annual general meeting;
- (d) written communication of decisions and directives to all affiliated members;
- (e) regular meetings;
- (f) assuring that proper records are kept of decisions taken at such meetings;
- (g) generating donations and affiliation fees and ensuring that proper record is kept of all income and expenditure according to sound financial principles and as determined by the Minister from time to time.

11. **AFFILIATED GROUPS**

Affiliated groups must promote the general welfare and communal spirit of their members, including social needs and any other need arising from sickness or personal circumstances. In addition they must, in a spirit of cooperation support other affiliated groups and the Board of the Association.

12. **DISBANDMENT OF THE ASSOCIATION**

- (1) The annual general meeting or a special general meeting may, if convened and constituted for this purpose and by a majority vote, decide to disband the Association and dispose of its assets.
- (2) If an annual general meeting cannot be convened, the Board may be convened, or should the Board fail to convene, the Executive Committee may, on behalf of the Board address a notice to all affiliated groups in which the intention and reasons to disband the Association are set out. The notice must be accompanied by ballot papers to enable members to vote on this aspect.
- (3) A return date of at least 21 consecutive days, calculated from the day on which the notice was posted or otherwise issued, must be set as return date for the ballot papers. Should the majority of the returned votes be in favour of the disbandment, the Board or Executive Committee, according to the circumstances, may disband the Association after all debts have been paid.
- (4) The National Board and/or the Executive Committee, as the case may be, must decide how to dispose of any remaining funds or assets of the Association and associated members must be advised accordingly.

13. **RESPONSIBILITY OF THE INTELLIGENCE SERVICES AND THE ACADEMY FOR THE ASSOCIATION**

- (1) The Intelligence Services and the Academy must, on a monthly basis, contribute an amount to the Association to enable it to render its services.
- (2) The Executive Committee of the Association must be invited to attend the annual year-end function of the Intelligence Services and the Academy.
- (3) The Minister may host a function for the members of the Association.

CHAPTER XXIV

RESTRICTIONS OF FORMER MEMBERS

1. PURPOSE

The purpose of this Chapter is to regulate the manner in which any former member of the Intelligence Services or the Academy, as the case may be, may apply -

- (a) for consent to disclose classified information in terms of the Act; and/or
- (b) for a clearance certificate permitting employment in the private security industry.

2. CONFIDENTIALITY

No person who comes into possession of information as a result of an application or appeal made in terms of this Chapter may disclose such information unless -

- (a) the Director-General or CEO, as the case may be, consents to such disclosure; or
- (b) such disclosure is authorised by the Act, this Chapter or a Court order.

3. APPLICATION FOR CONSENT TO DISCLOSE CLASSIFIED INFORMATION

(1) Application

- (a) Any former member who applies for the disclosure of classified information in terms of the Act must do so according to form 1 contained in Appendix A.
- (b) The application must *inter alia* contain -
 - (i) details of the classified information which form the subject of the application;
 - (ii) the reasons for disclosure of the information;
 - (iii) the purpose for which the information will be used;
 - (iv) details of any person who may receive the information;
 - (v) the manner in which the information will be disclosed.
- (c) If the Director-General or CEO, as the case may be, is of the opinion that he or she has been provided with insufficient information in the application, he or she may -
 - (i) reject the application; or
 - (ii) request further written information.

(2) Hearing

- (a) The Director-General or CEO, as the case may be, may, at his or her discretion, request the former member to appear at a hearing for the purpose of considering the application.
- (b) The Director-General or CEO, as the case may be, must determine the date for and place of the hearing.
- (c) The former member may attend the hearing, but at his or her own expense.
- (d) If the former member refuses or fails to attend a hearing when he or she was requested by the Director-General or CEO, as the case may be, to do so according to regulation 3(2)(a), the respective Director-General or CEO may make his or her decision on the information available.

(3) Decision and record of hearing

- (a) The Director-General or CEO, as the case may be, must make a decision within a period not exceeding 30 consecutive days upon receiving the application.
- (b) The Director-General or CEO, as the case may be, must inform the former member of his or her decision, in writing, within a period of twenty (20) consecutive days after reaching a decision.
- (c) The decision of the Director-General or CEO, as the case may be, accompanied by a record of the hearing must be provided to the former member who applied. This notification must include -
 - (i) the name and address of the former member;
 - (ii) a brief description of the application;
 - (iii) if the application is approved, the conditions upon which the consent is provided, which must include -
 - (aa) the manner of disclosure;
 - (bb) the information that may be disclosed;
 - (cc) to whom the information may be disclosed.
 - (iv) the date of the decision;
 - (v) if the application is unsuccessful, the reason(s) for the Director-General's or CEO's, as the case may be, decision;
 - (vi) the right of the former member to appeal against the Director-General's or CEO's, as the case may be, decision and/or the conditions to the Minister.
- (d) The Director-General or CEO, as the case may be, must keep record of all applications made to him or her as well as of decisions made by him or her.

4. APPLICATION FOR A CLEARANCE CERTIFICATE PERMITTING EMPLOYMENT IN THE PRIVATE SECURITY INDUSTRY

(1) Application

- (a) A former member who applies for a clearance certificate to render a security service in terms of the Act must do so according to form 2 contained in Appendix A.
- (b) The application must contain the following -
 - (i) detailed description of the nature of the service to be rendered;
 - (ii) skills, knowledge or information gained while in the service of the Intelligence Services or the Academy, as the case may be, that may be utilised by him or her in rendering the intended service;
 - (iii) detail of the person(s), if any, in whose service he or she will be;
 - (iv) details of the business, if any, he or she plans to start;
 - (v) person(s) to whom the intended service will be provided.

(2) Decision

- (a) The Director-General or CEO, as the case may be, must make a decision within a period not exceeding 30 consecutive days upon receiving the application.
- (b) Where the Director-General or CEO, as the case may be, is of the opinion that the information provided is insufficient, he or she may request further information.
- (c) The Director-General or CEO, as the case may be, must inform the former member of his or her decision in writing within a period of twenty (20) consecutive days after reaching a decision as well as his or her right to appeal to the Minister.

5. APPEALS

(1) Right to appeal

- (a) A former member may appeal to the Minister against the decision of the Director-General or CEO, as the case may be, in terms of regulations 3 or 4.
- (b) The appeal must be lodged with the Minister within a period of 30 consecutive days upon receipt of the decision of the Director-General or CEO, as the case may be.

(2) Appeal format

- (a) An appeal against a decision of the Director-General or CEO, as the case may be, must be lodged according to form 3 contained in Appendix A.
- (b) The appeal format must set out the relevant facts concisely as well as the grounds for the appeal.

- (c) An appeal against a decision of the Director-General or CEO, as the case may be, must be accompanied by the record of the hearing contemplated in regulation 3.
- (d) The appeal must be served on the Director-General or CEO, as the case may be.
- (e) The Director-General or CEO, as the case may be, must forward all relevant documentation to the Minister and former member who applied within a period of twenty (20) consecutive days upon receipt of the appeal.
- (f) The former member may supplement his or her appeal within a period of fourteen (14) consecutive days upon receiving documentation in terms of regulation 5(2)(e).

(3) The decision of the Minister

The Minister concludes the appeal by informing the former member who applied and the Director-General or CEO, as the case may be, of his or her decision in writing.

FORM 1

APPENDIX A

APPLICATION BY A FORMER MEMBER OF THE INTELLIGENCE SERVICES OR THE ACADEMY FOR CONSENT TO DISCLOSE CLASSIFIED INFORMATION

Application in terms of section 27 of the Act, read with Chapter XXIV

A former member of the Intelligence Services or Academy may apply to the Director-General or CEO to consider an application for consent to disclose classified information. The former member must complete this form and send it to the relevant Director-General or CEO:

Complete this form in full. If you need more space to answer the questions then complete your answers on another sheet of paper and attach it to this form.

1. Personal information

- 1.1 Name _____
- 1.2 Employee number _____
- 1.3 Address _____
- 1.4 Tel number (h) _____
- 1.5 Tel number (w) _____
- 1.6 Cell number _____
- 1.7 Fax number _____

2. Employment history with Intelligence Services and/or Academy

- 2.1 Name of employer _____
- 2.2 Directorate/Division/Unit _____
- 2.3 Occupational group _____
- 2.4 Highest post level attained _____
- 2.5 Name of immediate supervisor _____
- 2.6 Date of commencement of employment _____
- 2.7 Date of termination of employment _____

Form1**3. Nature of classified information****3.1 What classified information do you want to disclose?**

3.2 Why do you want to disclose this classified information?

Form1

3.3 For what purpose will this information be used?

3.4 Who will receive this information?

Form1

3.5 How do you intend to disclose the information?

4. **Further details**

Is there any other information you wish to draw to the Intelligence Review Board's attention?

Signature _____

Date _____

FOR OFFICIAL PURPOSES

Decision of the Director-General or CEO

The Director-General or CEO decided on _____ (date)

- ☐ to request the applicant to submit further information
- ☐ to request the applicant to attend a hearing
- ☐ to accept the application on certain conditions
- ☐ to approve the application
- ☐ to reject the application

Signature _____

Date _____

FORM 2

APPENDIX A

APPLICATION BY A FORMER MEMBER OF THE INTELLIGENCE SERVICES OR THE ACADEMY FOR A CLEARANCE CERTIFICATE

Application in terms of section 28 of the Act, read with Chapter XXIV

A former member of the Intelligence Services or the Academy may apply to the Director-General or CEO for a clearance certificate to enter employment in the private security industry. The former member must complete this form and send it to the relevant Director-General or CEO:

Complete this form in full. If you need more space to answer the questions then complete your answers on another sheet of paper and attach it to this form.

1. Personal information

- 1.1 Name _____
- 1.2 Employee number _____
- 1.3 Address _____
- 1.4 Tel number (h) _____
- 1.5 Tel number (w) _____
- 1.6 Cell number _____
- 1.7 Fax number _____

2. Employment history with Intelligence Services and/or Academy

- 2.1 Name of employer _____
- 2.2 Directorate/Division/Unit _____
- 2.3 Occupational group _____
- 2.4 Highest post level attained _____
- 2.5 Name of immediate supervisor _____
- 2.6 Date of commencement of employment _____
- 2.7 Date of termination of employment _____

Form 2**3. Nature of proposed services in the private security industry**

3.1 What type of services will you be expected to render?

3.1 What skills, knowledge or information that you gained while in the Intelligence Services or the Academy will be utilised?

Form 2

4. New employer/proposed business details

If you will be employed in the private security industry, complete questions 4.1 and 4.2.
If you plan to start your own business in the private security industry, complete questions 4.3 and 4.4.

4.1 Who is your proposed new employer?

4.1.1 Name _____
4.1.2 Address _____
4.1.3 Tel number _____
4.1.4 Fax number _____

4.2 Who are your proposed new employer's clients (i.e. to whom will your services be provided)?

4.3 What are your business details?

4.3.1 Name of company _____
4.3.2 Address _____
4.3.3 Tel number _____
4.3.4 Fax number _____

Form 2

4.4 Who will be your prospective clients (i.e. to whom will your services be provided)?

5. **Further details**

Is there any other information you wish to draw to the attention of the Director-General or CEO?

Signature _____ Date _____

FOR OFFICIAL PURPOSES

Decision of the Director-General or CEO

The Director-General or CEO decided on _____ (date)

- ☐ to request the applicant to submit further information
- ☐ to approve the application
- ☐ to reject the application

Signature _____ Date _____

FORM 3

APPENDIX A

**APPEAL BY A FORMER MEMBER OF THE INTELLIGENCE SERVICES OR THE ACADEMY
AGAINST A DECISION OF THE DIRECTOR-GENERAL OR CEO**

Application in terms of section 28 of the Act, read with Chapter XXIV.

A former member of the Intelligence Services/Academy may appeal to the Minister against the decision of the Director-General or CEO not to provide him or her with a clearance certificate to enter employment in the private security industry.

The former member must complete this form and send it to the relevant Director-General or CEO:

Complete this form in full. If you need more space to answer the questions then complete your answers on another sheet of paper and attach it to this form.

1 Personal information

- 1.1 Name _____
- 1.2 Employee number _____
- 1.3 Address _____
- 1.4 Tel number (h) _____
- 1.5 Tel number (w) _____
- 1.6 Cell number _____
- 1.7 Fax number _____

2 Employment history with the Intelligence Services and/or Academy

- 2.1 Name of employer _____
- 2.2 Directorate/Division/Unit _____
- 2.3 Occupational group _____
- 2.4 Highest post level attained _____
- 2.5 Name of immediate supervisor _____
- 2.6 Period of employment _____

FORM 3**3. The grounds for the appeal**

Specify in your answers to these questions in what respects you disagree with the Director-General's or CEO's decision.

3.1 Did the Director-General or CEO, in your opinion, fail to consider or gave insufficient weight to relevant factors?

3.2 Did the Director-General or CEO, in your opinion, consider or give weight to irrelevant factors?

FORM 3

3.3 Did the Director-General or CEO, in your opinion, make any error of law?

3.4 What outcome/result do you seek from this appeal?

FORM 3

- 3.5 Are there any other factual or legal grounds you wish to draw to the attention of the Minister?

4. **Further information**

- 4.1 The Director-General or CEO will forward all relevant documentation to the Minister and to you within twenty (20) days of receipt of this appeal.
- 4.2 You may supplement your grounds to appeal within ten (10) days of receiving this documentation.

Applicant's signature _____ Date _____

FOR OFFICIAL PURPOSES**Decision of the Minister**

On the _____ (date) the Minister decided that the appeal was

- ☐ Successful
- ☐ Unsuccessful

Signature _____ Date _____

CHAPTER XXVI

SECURITY SCREENING

1. GENERAL

- (1) These security screening regulations provide a framework for determining the security competency of a person or member.
- (2) All information acquired during a security screening investigation procedure must be treated with confidentiality and may not be used for any other purpose except for determining the security competency of the person or member with due regard for section 2(1)(b)(iii) of the National Strategic Intelligence Act, 1994 (Act 39 of 1994).
- (3) The security screening investigation procedure may only be used to –
 - (a) protect the Intelligence Services and the Academy from foreign and hostile intelligence operations;
 - (b) safeguard the Intelligence Services and the Academy from the unauthorised dissemination or disclosure of classified information and material; and
 - (c) determine the person's or member's integrity, reliability and loyalty to the Intelligence Services and the Academy in safeguarding the interests of the Republic of South Africa and its Constitution.
- (4) All security screening investigation procedures must be undertaken –
 - (a) with due regard for the vision, mission and core values of the respective Intelligence Services and the Academy;
 - (b) subject to the fundamental rights assigned in the Constitution.
- (5) For purpose of this Chapter –
 - (a) "General Manager" means the General Manager responsible for the security screening function;
 - (b) "applicant" means a person or member who is subject of a security screening investigation.

2. CLEARANCE LEVELS

- (1) The following clearance levels apply to the Intelligence Services –
 - (a) top secret – as contemplated in Chapter XXV: Provided that this classification includes access to information and/or premises;
 - (b) secret - as contemplated in Chapter XXV: Provided that this classification includes access to information and/or premises;
 - (c) confidential - as contemplated in Chapter XXV: Provided that this classification includes access to information and/or premises;

- (2) The Director-General must determine the clearance level that any person and member must acquire before being employed or being permitted to perform any specific task for or on behalf of the Intelligence Services and the Academy.
- (3) The Director-General must determine the frequency with which an applicant's security screening must be evaluated.

3. FACTORS RELEVANT TO ACQUIRING A SECURITY CLEARANCE

- (1) The following factors are, *inter alia*, relevant in determining whether an applicant should acquire a security clearance -
 - (a) criminal offences and misconduct;
 - (b) use of dependency forming substances;
 - (c) financial considerations;
 - (d) behavioural disorders;
 - (e) citizenship and/or foreign influence; and
 - (f) loyalty to the Constitution.
- (2) The factors in regulation 3(1) must be evaluated to determine the competency of the applicant to be entrusted with classified or sensitive information.
- (3) The Director-General must weigh the merits and weight of the factors referred to in regulation 3(1), in determining the security competency of an applicant.

4. SECURITY INVESTIGATION PROCEDURES

- (1) The following procedures are applicable -
 - (a) a security screening investigating officer must gather all available information that might reasonably have a bearing on the outcome of a security clearance;
 - (b) the Director-General may request the fingerprints of all persons or members for verification by the South African Police Services (SAPS);
 - (c) the security screening investigating officer must, on behalf of the Intelligence Services or the Academy, as the case may be, request an applicant to submit the following -
 - (i) financial statements for at least three (3) months preceding the date of the security screening investigation;
 - (ii) certified copies of identity documents;
 - (iii) any other information or documents which may assist the security screening investigation officer to perform his or her duties.
 - (d) the security screening investigating officer must collect the necessary information by means of an in-depth interview with the applicant and the references;

- (e) after gathering all the relevant information, the security screening investigating officer must evaluate the information, compile a report and make a recommendation for the attention of the General Manager with regard to the security competency of the applicant concerned;
- (f) the General Manager must, upon receipt of the report, evaluate the facts presented to him or her and make a recommendation to the Director-General on the security competency of the applicant;
- (g) the General Manager must, in the event of finding the applicant security incompetent, provide the Director-General with reasons for his or her finding;
- (h) where the General Manager is unable to make a recommendation to the Director-General on the basis of the report presented to him or her, the Director-General may refer the matter for recommendations to the Security Clearance Advisory Board (SCAB), established in terms of regulation 5;
- (i) the Director-General must, after considering the recommendations of the General Manager or SCAB, as the case may be, evaluate the information presented to him or her, degrade, withdraw or refuse to grant a security clearance certificate;
- (j) the applicant must, in writing, be notified of the outcome of the security screening investigation: Provided that information which may be prejudicial to national security, criminal investigations, identity of sources and members, may not be disclosed to the applicant;
- (k) any applicant may appeal against the decision of the Director-General, in terms of regulation 8;
- (l) the security clearance level, if any, issued to an applicant in terms of regulation 4(1)(i) must -
 - (i) be specified in a certificate issued by the Director-General, which is, *prima facie* proof of the security clearance level;
 - (ii) remain in force until the next security screening investigation in respect of the applicant, or until such security clearance has lapsed, been downgraded or withdrawn; and
 - (iii) be subject to periodic revision at such times or intervals as the Director-General may determine from time to time.
- (2) The Director-General must determine the procedure applicable to different security clearance levels.

5. SECURITY CLEARANCE ADVISORY BOARD (SCAB)

- (1) The Director-General may appoint not fewer than five (5) members of the Intelligence Services to serve on SCAB, one of whom will be the chairperson.
- (2) SCAB must evaluate the report of the General Manager contemplated in regulation 4(1)(h).

(3) SCAB may be constituted of a member(s) from the following structures in the Intelligence Services -

- (a) security screening;
- (b) human resources;
- (c) legal services;
- (d) labour relations; and
- (e) any other member(s) designated by the Director-General.

6. POLYGRAPH

- (1) The security screening investigating officer may request an applicant to undergo a polygraph examination to determine the reliability of information gathered in terms of regulation 4.
- (2) The polygraph must be used as an investigative aid, and not as conclusive proof of security competency.
- (3) The refusal by an applicant to undergo a polygraph examination does not, in itself, constitute a reason for refusal of a security clearance, instead further investigations must be conducted.
- (4) The Director-General may issue directives on polygraph testing.

7. REPRESENTATION

- (1) An applicant adversely affected by a withdrawal, downgraded or refusal of a security clearance and who intends to lodge an appeal against the decision of the Director-General is entitled to representation: Provided that the Director-General must be notified of such representation.
- (2) The services of a legal practitioner who is not a member of the Intelligence Services or the Academy, as the case may be, may only be utilised according to regulation 10.
- (3) The Director-General must implement measures which he or she deems necessary and advisable to protect intelligence information and documents in the possession or under the control of the Intelligence Services and the Academy from unauthorised disclosure, which are the subject of an appeal.

8. WITHDRAWAL, DOWNGRADING OR REFUSAL OF SECURITY CLEARANCES

- (1) If the Director-General is reasonably of the opinion that an applicant may not be appointed as a member or continue as a member without the possibility that such an applicant could be a security risk or could possibly act in any manner prejudicial to the security interests of the Republic of South Africa, he or she may withdraw, downgrade or refuse to grant security clearance.

- (2) The applicant whose security clearance has been refused, withdrawn or downgraded must be notified, in writing, of the decision of the Director-General with reasons therefore: Provided that information which may be prejudicial to national security, criminal investigations, identity of sources and members, may not be disclosed to the applicant.
- (3) Within 30 consecutive days after having received the notification contemplated in regulation 8(2), the applicant who is adversely affected thereby may lodge a written appeal with the Director-General, together with all such written representations, statements and documents deemed necessary, and a notice of intention to have representation.
- (4) The Minister may upon such written appeal by the applicant within the period contemplated in regulation 8(3) and on good reason shown, extend the period.
- (5) The Director-General must, upon receipt of any appeal lodged with him or her in terms of regulation 8(3), provide the following information to the Minister within 21 consecutive days -
 - (a) written representations together with all supporting documents and any representation;
 - (b) notification to the applicant by the Director-General with the reasons for withdrawal, downgrading or refusal of security clearance;
 - (c) all documents, information and particulars considered in its evaluation by the Director-General in coming to a decision;
 - (d) any further reasons which may have influenced the decision:

Provided that the Director-General must as far as is reasonably practicable, take steps to ensure that national security methods, intelligence collection methods, sources of information and the identity of members of the Intelligence Services and the Academy are protected from unauthorised disclosure.
- (6) In addition to the information contemplated in regulation 8(5), the Director-General must satisfy the Minister that -
 - (a) the information or intelligence which forms the basis of the decision contemplated in regulation 8(1) was evaluated by him, according to intelligence methods, and that it was correct and true;
 - (b) in his or her opinion, the information or intelligence that is withheld from the applicant contemplated in regulations 8(2) and 8(5), if any, is of such a nature that the applicant concerned should not be notified thereof, and or should not even know that the Intelligence Services has the ability to obtain that information or intelligence;
 - (c) he or she personally considered and studied the information or intelligence; and that he or she, acting in good faith and in the interests of national security, in the light of the contents of the information or intelligence received cannot entrust the applicant with the most sensitive secrets of the Republic of South Africa.

9. APPEALS BOARD

- (1) The Minister may appoint five (5) persons to constitute an Appeals Board and to consider appeals: Provided that the persons so appointed and who are not members of the Intelligence Services or the Academy, as the case may be, must meet the requirements of a security clearance: Provided further that at least two (2) of the appointed persons must be legal and/or labour relations experts.
- (2) The members of the Appeals Board may also be members of the Intelligence Services and/or the Academy.
- (3) The Minister may, for each appeal lodged, appoint at least three (3) of the members of the Appeals Board to form an Appeals Panel, of whom one (1) must be the chairperson: Provided that at least two (2) of the appointed persons must be legal and/or labour relations experts.
- (4) The Minister must determine the terms and conditions of appointment of persons on the Appeals Panel who are not members of the Intelligence Services or the Academy, as the case may be, in accordance with the Public Finance Management Act, 1999 (Act 1 of 1999).
- (5) The chairperson of the Appeals Panel must, in consultation with the Director-General, ensure that the Appeals Panel is given the necessary administrative support.

10. APPEALS

- (1) The notice of appeal must set out the grounds for appeal.
- (2) Upon receipt of the documents referred to in regulation 8(5), the Minister may, within ten (10) consecutive days, consider the appeal, or appoint a panel to constitute the Appeals Board and provide it with the documents referred to in regulation 8(5).
- (3) Upon being appointed, the chairperson of the Appeals Board must, without undue delay, send a written notice to the applicant who lodged the appeal. The written notice must specify –
 - (a) the date on which representations may be made by the parties to appeal. This date must not exceed five (5) consecutive days upon receipt of the written notice;
 - (b) the time and venue for representations to be heard.
- (4) The applicant may be represented by any person, member or legal practitioner in the appeal process: Provided that if he or she is represented by a legal practitioner who is not a member, the following prerequisites are met –
 - (a) such a legal practitioner must satisfy the requirements for security clearance;
 - (b) the members of the Appeals Board give their consent thereto, after considering –
 - (i) the complexity of the case;
 - (ii) the nature of the questions of law raised by the appeal;
 - (iii) public interest;

- (iv) the comparative ability of the opposing parties or their representatives to deal with the appeal.
- (5) The legal costs incurred by the applicant must be paid by him or her.
- (6) If an applicant fails to appear in person or make representations through a representative on the specified date, the chairperson may rule to consider the appeal in his or her absence or postpone the appeal hearing.
- (7) The chairperson of the Appeals Board must determine and issue rules for the proper noting and consideration of appeals.
- (8) The Appeals Board must, within fifteen (15) consecutive days upon consideration of the appeal, make a recommendation thereon in accordance with the provisions of the Act.
- (9) The majority of members of the Appeals Board form a quorum at any meeting of the Appeals Board.
- (10) On an equality of votes in any meeting of the Appeals Board, the chairperson has a casting vote in addition to the deliberate vote.
- (11) The recommendation of the Appeals Board must be forwarded to the Minister for consideration.

11. **CONSIDERATION OF THE APPEAL BY THE MINISTER**

- (1) Where the Minister has appointed an Appeals Board in terms of regulation 9(3), he or she must within 21 consecutive days of receipt of the recommendations of the Appeals Board either confirm or set aside the recommendations.
- (2) Where the Minister considers the appeal, he or she must confirm, set aside or vary the decision of the Director-General.
- (3) The Minister's decision is final and binding.
- (4) The decision of the Minister must be submitted to the Director-General in writing within fourteen (14) consecutive days after having made a decision in terms of regulation 11(1) or 11(2), for purposes of notification to the applicant who lodged the appeal.
- (5) The Director-General must, within ten (10) consecutive days of receipt of the Minister's decision, inform the applicant in writing of the outcome of the appeal.

MINISTERIE VIR INTELLIGENSIEDIENSTE

Aankondiging onder deel 37 van die Intelligensiedienste Wet, 2002 (Wet 65 van 2002) gelees met deel 101(3) van die Grondwet van die Republiek van Suid Afrika, 1996 (Wet 108 van 1996).

Die Minister vir Intelligensiedienste het die Regulasies van die Intelligensie Dienste op 22 Augustus 2003 goedgekeur en uitgereik on Deel 37(1) en (5) van die Wet op Intelligensiedienste, 2002 (Wet 65 van 2002).

Die volgende regulasies wat in die skedule aangedui is as 'n voetnota¹, is van toepassing op lede van die publiek en is ook op 22 Augustus 2003 goedgekeur en word uitgevaardig met effek van 16 Oktober 2003:

¹ VOETNOTA

1. Hoofstuk 5: Werwing, Seleksie, Aanstelling and Beeindiging van Dienste
2. Hoofstuk 6: Kadet werwing and opleiding
3. Hoofstuk 23: Vereniging van oud-lede
4. Hoofstuk 24: Beperkings op oud-lede
5. Hoofstuk 26: Sekuriteits klaring

SKEDULE

INTELLIGENSIEDIENSTEREGULASIES, 2003

INHOUDSOPGAWE

HOOFSTUK I ALGEMENE BEPALINGS

1. INLEIDEND
2. DELEGASIES EN VERANTWOORDELIKHEDE
3. AARD VAN INTELLIGENSIE
4. PROFIEL VAN 'N INTELLIGENSIEBEAMPTTE
5. DRAGKODE

HOOFSTUK II ORGANISASIE EN STRUKTURE

1. DOEL
2. ORGANISATORIESE STRUKTUUR VAN DIE INTELLIGENSIEDIENSTE OF DIE AKADEMIE
3. INSTELLING VAN ORGANISATORIESE STRUKTURE
4. SKEPPING EN GRADERING VAN POSTE VIR DIE VASTE DIENSSTAAT
5. SKEPPING VAN POSTE
6. POSBESKRYWINGS, POSTITELS EN BESOLDIGINGSBESTUURSTELSEL
7. AANSTELLINGSBEVOEGDHEDE

HOOFSTUK III WERKOMGEWING

1. WERKURE
2. AMPTELIKE WERK BUITE GEWONE WERKURE
3. GESONDHEID EN VEILIGHEID

**HOOFSTUK IV
POSEVALUERING**

1. DOEL
2. VEREISTES VIR POSEVALUERING
3. VERANTWOORDELIKHEDE

**HOOFSTUK V
WERWING, KEURING, AANSTELLING EN DIENSBĚEINDIGING**

1. DOEL
2. TOEPASSING VAN DIE REGULASIE
3. VEREISTES VIR AANSTELLING
4. AANSOEK VIR AANSTELLING
5. VULLING VAN POSTE
6. WERWINGSMETODES
7. KEURINGSPROSES
8. AANSTELLINGS
9. SEKONDERING
10. WAARNEMING IN 'N HOËR BESTUURSPOS
11. EKSTERNE OORPLASINGS
12. AANSTELLING VAN KONTRAKWERKERS
13. HERAANSTELLING VAN GEWESE LEDE
14. PROEF
15. DIENSBĚEINDIGING
16. PROSEDURE VAN TOEPASSING OP LEDE OP PROEF
17. DIENSVERLATINGSONDERHOUDE
18. REKORDS VAN LEDE

**HOOFSTUK VI
WERWING EN OPLEIDING VAN KADETTE**

1. DOEL
2. WERWING
3. EVALUERING
4. TOELATING TOT DIE AKADEMIE
5. DIENSVOORWAARDES
6. PERMANENTE AANSTELLING EN PLASING
7. DIENSVERLATINGSPROSEDURE
8. PROEF

HOOFSTUK VII BESOLDIGINGSBESTUUR

1. DOEL
2. DIE BESOLDIGINGSRAAMWERK
3. SALARISBETALING, FOUTIEWE BETALINGS, STATE EN AFTREKKINGS
4. BEPALING VAN BESOLDIGING
5. BESOLDIGINGSPAKKET

HOOFSTUK VIII DIENSVOORDELE EN VERGOEDINGSPRAKTYKE

1. VERSKAFFING VAN DIENSVOORDELE EN VERGOEDINGSPRAKTYKE
2. JAARLIKSE DIENSBONUS
3. KLERETOELAES
4. BEDELING VIR BUITELANDSE DIENS
5. BEGRAFNIS EN VERASSING
6. GROEPVERSEKERINGSKEMA
7. BEHUISINGSTOELAE
8. MEDIESE VOORDELE
9. AMPTELIKE BEHUISING
10. AMPTELIKE PARKERING
11. AMPTELIKE REISE

12. BESKERMENDE KLERE
13. HERVESTIGINGSOORPLASINGS
14. SESSIEBYSTAND
15. WAARBORGSKEMA
16. GESUBSIDIEERDE VERVOER
17. VOERTUIGTOELAESKEMA VIR NOODSAAKLIKE GEBRUIKERS (VT-SKEMA)
18. VOERTUIGTOELAESKEMA VIR SENIOR LEDE (VTSL-SKEMA)

HOOFSTUK IX AFTREKKINGS

1. AFTREKKINGS VAN SALARIS

HOOFSTUK X VERLOF

1. VERLOFVOORDEEL
2. ONGEMAGTIGDE AFWESIGHEID VAN DIENS
3. VERLOFKATEGORIEË
4. VAKANSIEVERLOF
5. SIEKTEVERLOF
6. SPESIALE VERLOF
7. RUSDAG

HOOFSTUK XI PRESTASIEBESTUUR

1. DOEL
2. PRESTASIEBESTUUR
3. VOORWAARDES
4. PRESTASIEOOREENKOMSTE
5. OOREENSTEMMING VAN PRESTASIEBESTUUR MET STRATEGIESE BEPLANNING EN BEGROTING
6. VERANTWOORDELIKHEDE VAN DIE BESTUUR

7. VERANTWOORDELIKHEDE VAN 'N LID
8. BESTUUR VAN SWAK PRESTASIE
9. PRESTASIEVEREISTES
10. METING VAN ORGANISATORIESE PRESTASIE
11. GOEDKEURING VAN PRESTASIEMEETSTELSEL
12. BELONINGS

HOOFSTUK XII BEVORDERINGS

1. DOEL
2. BEVORDERINGS

HOOFSTUK XIII LOOPBANE EN ONTWIKKELING

1. DOEL
2. LOOPBANE EN ONTWIKKELING
3. PROSEDURELE OORWEGING

HOOFSTUK XIV OPLEIDING EN ONTWIKKELING

1. DOEL
2. OPLEIDING EN ONTWIKKELING
3. PROSEDURELE RAAMWERK

HOOFSTUK XV DIENSBILLIKHEID

1. DOEL
2. TOEPASSING VAN DIE REGULASIE
3. VERBOD OP ONBILLIKE DISKRIMINASIE
4. MEDIESE TOETSING
5. SIELKUNDIGE TOETSING EN ANDER SOORTGELYKE EVALUERINGS
6. AANSOEKERS

7. GESKILLE
8. BEWYSLAS
9. PLIGTE VAN DIE DIREKTEUR-GENERAAL OF HOOF- UITVOERENDE BEAMPTTE:
REGSTELLEDE AKSIE
10. REGSTELLEDEAKSIEMAATREËLS
11. OORLEGPLEGING MET LEDE
12. AANGELEENTHEDE VIR OORLEGPLEGING
13. ONTLEDING
14. DIENSBILLIKHEIDSPAN
15. AANSTELLING VAN 'N DIENSBILLIKHEIDSBESTUURDER(S)
16. EVALUERING VAN NAKOMING
17. HERSIENING DEUR DIE INTELLIGENSIEDIENSTERAAD
18. VESTIGING VAN 'N BILLIKE WERKOMGEWING
19. SKENDING VAN VERTROULIKHEID
20. VERSLAE
21. WETLIKE PLIGTE VAN LEDE

HOOFSTUK XVI OORLEGPLEGING

1. DOEL
2. TOEPASSING VAN DIE REGULASIE
3. MEGANISMES
4. REGTE VAN LEDE
5. VERPLIGTINGE VAN SENIOR LEDE
6. OPENBAARMAKING VAN INLIGTING
7. SAMESTELLING VAN KIESERSFORUMS
8. VERGADERINGS VAN 'N KIESERSFORUM
9. ORGANISASIEPERSONEELFORUM
10. OORLEGKOMITTEE

11. PERSONEELRAAD
12. FUNKSIONERING VAN DIE INTELLIGENSIEDIENSTERAAD
13. OORLEGPLEGING OOR DIENSVOORWAARDES
14. OORWEGING VAN REAKSIES
15. WETTIGE OPDRAG
16. REËLS
17. ALGEMEEN

HOOFSTUK XVII GRIEWEPROSEDURE

1. DOEL
2. KLAG EN GRIEF
3. REG OP VERTEENWOORDIGING
4. PROSEDURE
4. PANEEL VAN BEREGETERS
5. SKENDING VAN VERTROULIKHEID

HOOFSTUK XVIII DISSIPLINÊRE PROSEDURE

1. DISSIPLINÊRE VERRIGTINGE VIR MINDER ERNSTIGE WANGEDRAG
2. REKORDHOUDING
3. GEDRAGSTATE
4. REG OP VERTEENWOORDIGING
5. ONDERSOEKE NA WANGEDRAG
6. PROKURATOR
7. DISSIPLINÊRE PANEEL
8. APPËLRAAD
9. SKORSINGS EN OORPLASINGS
10. DUUR VAN 'N DISSIPLINÊRE VERHOOR
11. PROSEDURE OM 'N LID AAN TE KLA

12. BYWONING VAN 'N DISSIPLINÊRE VERHOOR
13. HOU VAN 'N DISSIPLINÊRE VERHOOR
14. VONNIS
15. APPËLLE
16. OORWEGING VAN DIE APPËL DEUR DIE MINISTER
17. PROSEDURE VAN TOEPASSING OP 'N LID OP PROEF
18. VRYWARING MET BETREKKING TOT WANGEDRAG

AANHANGSEL A

1. WANGEDRAG
2. PROSEDURE VIR KORREKTIEWE BERADING
3. PROSEDURE VIR DIE UITREIKING VAN 'N MONDELINGE WAARSKUWING
4. PROSEDURE VIR DIE UITREIKING VAN 'N SKRIFTELIKE WAARSKUWING
5. PROSEDURE VIR DIE UITREIKING VAN 'N FINALE SKRIFTELIKE WAARSKUWING
6. PROSEDURE VIR DIE HOU VAN 'N DISSIPLINÊRE VERHOOR

HOOFSTUK XIX SWAK PRESTASIE

1. TOEPASSING VAN DIE REGULASIE
2. INSTEL VAN VERRIGTINGE VIR SWAK PRESTASIE
3. REKORDHOUDING
4. REG OP VERTEENWOORDIGING
5. PROKURATOR
6. AANSTELLING VAN DIE PANEEL VAN ONDERSOEK NA SWAK PRESTASIE
7. APPËLRAAD
8. OORPLASINGS
9. DUUR VAN DIE VERHOOR WEENS SWAK PRESTASIE
10. PROSEDURE VIR DIE HOU VAN 'N VERHOOR WEENS SWAK PRESTASIE
11. BYWONING VAN 'N VERHOOR WEENS SWAK PRESTASIE
12. HOU VAN 'N VERHOOR WEENS SWAK PRESTASIE

13. SANKSIE
14. APPÈLE
15. OORWEGING VAN DIE APPÈL DEUR DIE MINISTER
16. PROSEDURE VAN TOEPASSING OP 'N LID OP PROEF

AANHANGSEL A

1. PROSEDURE VIR DIE HOU VAN 'N VERHOOR WEENS SWAK PRESTASIE

HOOFSTUK XX MEDIËSE ONGESKIKTHEID

1. DOEL
2. REKORDHOUDING
3. REG OP VERTEENWOORDIGING
4. SPESIALE VERLOF
5. DUUR VAN VERRIGTINGE VAN MEDIËSE RAAD VAN ONDERSOEK
6. PROSEDURE VOOR DIE INSTELLING VAN 'N MEDIËSE RAAD VAN ONDERSOEK
7. PROKURATOR
8. AANSTELLING VAN DIE MEDIËSE RAAD VAN ONDERSOEK
9. APPÈLRAAD
10. INSTELLING VAN 'N MEDIËSE RAAD VAN ONDERSOEK
11. BYWONING VAN 'N MEDIËSE RAAD VAN ONDERSOEK
12. HOU VAN 'N ONDERSOEK NA MEDIËSE ONGESKIKTHEID
13. APPÈL
14. OORWEGING VAN DIE APPÈL DEUR DIE MINISTER

AANHANGSEL A

1. PROSEDURE VIR DIE HOU VAN 'N MEDIËSE ONDERSOEK

HOOFSTUK XXI FINANSIËLE BELANG

1. DOEL

2. ONTVANGS EN VERKLARING VAN GESKENKE
3. OPENBAARMAKING VAN FINANSIËLE BELANG
4. VERTROULIKHEID VAN VORMS VOORGELÊ
5. BESOLDIGDE WERK BUITE DIE INTELLIGENSIEDIENSTE OF DIE AKADEMIE
6. BOTSING VAN BELANGE
7. VERSUIM OM BELANGE OPENBAAR TE MAAK

HOOFSTUK XXII AFTREDE OP LID SE SKRIFTELIKE VERSOEK

HOOFSTUK XXIII VETERANEVERENIGING

1. DOEL
2. TOEPASSING VAN DIE REGULASIE
3. HOOFKWARTIER
4. TAAL
5. BESKERMHEER
6. LIDMAATSKAP OF AFFILIASIE
7. BEËINDIGING VAN LIDMAATSKAP
8. LEDE- OF AFFILIASIEGELD
9. SAMESTELLING VAN DIE VETERANEVERENIGING
10. WERKSAAMHEDE VAN DIE NASIONALE RAAD
11. GEAFFILIEERDE GROEPE
12. ONTBINDING VAN DIE VERENIGING
13. VERANTWOORDELIKHEID VAN DIE INTELLIGENSIEDIENSTE EN DIE AKADEMIE VIR DIE VERENIGING

HOOFSTUK XXIV BEPERKINGS OP GEWESE LEDE

1. DOEL
2. VERTROULIKHEID

3. AANSOEK OM TOESTEMMING OM GEKLASSIFISEERDE INLIGTING OPENBAAR TE MAAK
4. AANSOEK OM 'N KLARINGCERTIFIKAAT VIR DIENS IN DIE PRIVATE SEKURITEITSBEDRYF
5. APPËLLE

AANHANGSEL A

1. VORM 1: AANSOEK DEUR 'N GEWESE LID VAN DIE INTELLIGENSIEDIENSTE OF DIE AKADEMIE OM TOESTEMMING OM GEKLASSIFISEERDE INLIGTING OPENBAAR TE MAAK
2. VORM 2: AANSOEK DEUR 'N GEWESE LID VAN DIE INTELLIGENSIEDIENSTE OF DIE AKADEMIE OM 'N KLARINGCERTIFIKAAT
3. VORM 3: APPËL DEUR 'N GEWESE LID VAN DIE INTELLIGENSIEDIENSTE OF DIE AKADEMIE TEEN 'N BESLUIT VAN DIE DIREKTEUR-GENERAAL OF HOOF-UITVOERENDE BEAMPTTE

HOOFSTUK XXV VEILIGHEID

1. FISIESE VEILIGHEID
2. REGSPLIG VAN LEDE
3. DOKUMENTVEILIGHEID
4. DEKLASSIFIKASIE
5. KOMMUNIKASIEVEILIGHEID
6. REKENAARVEILIGHEID
7. HEREVALUERING VAN DOKUMENTE
8. VEILIGHEIDSKENDING
9. GEBEURLIKHEIDSBEPANNING

HOOFSTUK XXVI VEILIGHEIDSKERING

1. ALGEMEEN
2. KLARINGSVLAKKE
3. TERSAAKLIKE FAKTORE BY DIE VERKRYGING VAN 'N VEILIGHEIDSKLARING
4. VEILIGHEIDSONDERSOEKPROSEDURES

5. VEILIGHEIDSKLARINGSADVIESRAAD (VKAR)
6. POLIGRAAF
7. VERTEENWOORDIGING
8. TERUGTREKKING, AFGRADERING OF WEIERING VAN VEILIGHEIDSKLARINGS
9. APPÈLRAAD
10. APPÈLLE
11. OORWEGING VAN DIE APPÈL DEUR DIE MINISTER
12. AFSTANDDOENING VAN VEILIGHEIDSMATREËLS

HOOFSTUK XXVII TOTALE WELSTAND

1. DOEL
2. ALKOHOL- OF MIDDELMISBRUIK
3. HERDENKINGS DAG
4. PERSOONLIKE FINANSIËLE BESTUUR
5. ALGEMENE WELSTAND VAN LEDE

HOOFSTUK XXVIII OORGANGSREËLINGS

1. HOOFSTUK X
2. HOOFSTUK XI
3. HOOFSTUK XVI
4. HOOFSTUK XVIII
5. HOOFSTUK XXIII
6. HOOFSTUK XXV

HOOFSTUK I

ALGEMENE BEPALINGS

1. INLEIDEND

(1) Kort titel en inwerkingtreding

Hierdie Regulasies heet die Intelligensiediensteregulasies, 2003.

(2) Woordomskrywing

(a) Hierdie Regulasies moet saam met die Wet op Intelligensiedienste, 2002, gelees word.

(b) In hierdie Regulasies, tensy dit uit die samehang anders blyk, beteken –
"aangewese groepe" swart mense, vroue en mense met gestremdhede;

"aansoeker" 'n persoon of lid wat aansoek doen vir indiensneming en/of 'n ander pos in die Intelligensiedienste of die Akademie, na gelang van die geval;

"aanstelling" indiensneming;

"afhanklike" 'n gade, lewensgenoot, kind of ouer ten opsigte van wie die lid aanspreeklik is vir gesinsorg en onderhoud;

(i) vir doeleindes van OPMED beteken "afhanklike" –

(aa) 'n gade of lewensgenoot wat nie 'n lid of afhanklike van 'n ander mediese skema is nie;

(bb) 'n kind;

(cc) 'n lid se kind van 21 jaar en ouer vir wie die lid aanspreeklik is vir gesinsorg en onderhoud en wat nie 'n lid of afhanklike van 'n ander mediese skema is nie;

(dd) 'n lid se kind wat 'n student aan 'n skool of ander onderwysinrigting binne die Republiek van Suid-Afrika is, of 'n kind van 'n lid wat vir amptelike doeleindes in die buiteland geplaas is waar die kind in 'n skool of ander onderwysinrigting van daardie spesifieke land is, tot die ouderdom van 26 jaar, en wat nie 'n lid of afhanklike van 'n ander mediese skema is nie;

(ee) 'n lid se kind wat ongeskik vir die ope arbeidsmark is as gevolg van 'n liggaamlike of geestesgebrek en wat nie 'n lid of afhanklike van 'n ander mediese skema is nie;

- (ff) die onmiddellike gesin van 'n lid ten opsigte van wie die lid aanspreeklik is vir gesinsorg en onderhoud en wat nie 'n lid of afhanklike van 'n ander mediese skema is nie;
- (gg) sodanige ander persoon/persone as wat deur OPMED-bestuursbeheerraad as 'n afhanklike(s) erken word vir doeleindes van die mediese skema se reëls;
- (ii) vir doeleindes van hervestigingsoorplasings en sessiebystand in die Intelligensiedienste of die Akademie, na gelang van die geval, beteken "afhanklike" –
 - (aa) 'n lewensgenoot of gade van 'n lid;
 - (bb) 'n kind;
 - (cc) 'n familielid wat permanent by die lid bly, wat van sodanige lid afhanklik is en wat 'n totale inkomste ontvang wat, uit alle bronne, nie die basiese maatskaplike pensioen te bowe gaan nie;

"Akademie" die Suid-Afrikaanse Nasionale Akademie van Intelligensie ingestel by artikel 5 van die Wet op Intelligensiedienste, Wet 65 van 2002;

"aktiewe lede" lede wat op 'n permanente grondslag by die Intelligensiedienste of die Akademie, na gelang van die geval, in diens is en sluit dus afgetrede lede uit;

"amptelike gesubsidieerde vervoer" amptelike vervoer wat verskaf word vir lede van die Intelligensiedienste of die Akademie, na gelang van die geval, wat nie vervoer het nie na en van werk in gebiede waar geen ander openbare vervoer bestaan nie, om hulle in staat te stel om vanaf 'n sentrale punt na en van die werk te pendel;

"basiese salaris" die salariskerf van toepassing op 'n lid toegewys per posvlakreeks binne 'n beroepsgroep volgens die besoldigingsbestuurstelsel wat deur die Minister goedgekeur is;

"behuisingsstoelae" 'n bedrag betaalbaar aan 'n lid van die Intelligensiedienste of die Akademie as 'n byvoordeel om hom of haar te help om woonakkommodasie te bekom;

"bekwaamheid" die kombinasie van kennis, vaardighede, gedrag en aanleg wat 'n persoon in die werkomgewing toepas, wat die persoon se vermoë aandui om aan die vereistes van 'n spesifieke pos te voldoen;

"benoemde" 'n persoon wat skriftelik deur 'n lid benoem is of word as 'n bevoordeelde met betrekking tot die Groepversekeringskema se voordele;

"bestedingsentrum" 'n struktuur gekoppel aan die Agentskap vir administratiewe, tegniese en logistieke hulp en wie se rekenpligtige beampte die Direkteur-generaal van die Agentskap is, naamlik die Ministerie vir Intelligensiedienste, die Nasionale Intelligensiekoördinerende Komitee, die Presidensiële Hulpeenheid, die Kantoor van die Inspekteur-generaal van Intelligensie en die Nasionale Kommunikasiesentrum;

"bestuurder" die hoof van 'n komponent, afdeling of eenheid in die Intelligensiedienste of die Akademie, na gelang van die geval, en enige ander sodanige komponente as wat administratief gekoppel is met die Intelligensiedienste of die Akademie, na gelang van die geval, tensy melding spesifiek gemaak word van die posisionele aanstelling as bestuurder op die M3-vlak;

"betekening van dokumente" die persoonlike oorhandiging van dokumente aan 'n betrokke lid deur die prokurator of 'n persoon wat daarvoor aangewys is: Met dien verstande dat waar alle redelike pogings om dokumente te beteken, misluk het, 'n kennisgewing by 'n gepaste persoon by die lid se laaste bekende adres gelaat kan word, of bloot by sodanige perseel gelaat kan word as geen sodanige persoon beskikbaar is nie;

"dag" 'n werkdag;

"Direkteur-generaal" die hoof van enige van die Intelligensiedienste;

"dokument" of "dokumentasie" –

- (i) enige nota of geskrif, voortgebring hetsy met die hand of deur 'n druk-, tik- of enige ander soortgelyke proses;
- (ii) enige afdruk, plan, prent, skets of fotografiere of ander voorstelling van enige plek of artikel; of
- (iii) enige skyf, band, kaart, geperforeerde rol of ander toestel waarin of waarop klank of enige sein opgeneem is vir reproduksie;

"finansiële instelling" 'n wettige geregistreerde bank of bouvereniging in die Republiek van Suid-Afrika;

"fisiese veiligheid" 'n toestand en/of situasie geskep deur die doelbewuste skepping, implementering en toepassing van fisiese veiligheidsmaatreëls vir die beskerming van lewens, eiendom en inligting;

"forum" die kiesersforum en die organisasiepersoneelforum kragtens hierdie Regulasies ingestel;

"gade" die geregistreerde man of vrou van 'n lid met wie die lid getroud is ingevolge enige wet of gebruik wat by wet in die Republiek van Suid-Afrika erken word;

"gepas gekwalifiseerde persoon" 'n persoon wat gekwalifiseer is vir 'n betrekking as gevolg van formele kwalifikasies of vorige leer, toepaslike ondervinding of die vermoë om die werk te doen, binne redelike tyd te verkry;

"gesinsorg en onderhoud" 'n aanspreeklikheid vir finansiële steun wat deur 'n geregshof afgedwing kan word;

"gesinsverantwoordelikheid" die verantwoordelikheid van 'n lid met betrekking tot sy of haar gade of lewensgenoot en sy of haar kinders en/of sy of haar ouer(s);

"geskenk" enige materie, voorwerp, geld, beloning of guns wat aan 'n lid aangebied word in sy of haar hoedanigheid as 'n lid van die Intelligensiedienste of die Akademie, na gelang van die geval, bo en behalwe die salaris en voordele wat aan die lid betaalbaar is;

"geskil" ook 'n beweerde geskil;

"goedgekeurde diensstaat" die poste wat die Minister goedgekeur het om die kern- en hulpfunksies van die Intelligensiedienste of die Akademie, na gelang van die geval, uit te voer;

"graad" die relatiewe waarde van 'n bepaalde pos soos weerspieël deur die posgewig, wat gekoppel is aan 'n salarisreeks in 'n salarisskaal wat in die Intelligensiedienste of die Akademie, na gelang van die geval, gebruik word;

"grieweprosedure" 'n proses vir die hantering van 'n klag en die beslegting van 'n geskil deur 'n lid teen sy of haar toesighouer of 'n ander lid;

"Groepversekeringskema" die Intelligensiedienste of die Akademie, na gelang van die geval, se groepversekeringskema saamgestel en geformuleer deur die Reëls van die Groepsolis van toepassing op die Intelligensiedienste of die Akademie, na gelang van die geval;

"Hoof- Uitvoerende Beampte" die Hoof van die Akademie;

"Hoofkantoor", vir doeleindes van hervestigingsoorplasing, al die kantore geleë in die groter metropolitaanse gebied van 'n dorp of stad en nie 'n individuele hoofkantoor nie; oorplasing van een hoofkantoor na 'n ander kantoor in dieselfde metropolitaanse gebied moet dus nie as 'n hervestigingsoorplasing beskou word nie;

"huishouding" die lid en sy of haar afhanklikes;

"indiensnemingsbeleid" ook, maar is dit nie beperk nie tot –

- (i) werwingsprosedures, advertering en keuringsmaatstawwe;
- (ii) aanstelling(s) en die aanstellingsproses;
- (iii) posklassifikasie en -gradering;
- (iv) besoldiging, diensvoordele en diensvoorwaardes;

- (v) posbeskrywing;
- (vi) die werkomgewing en fasiliteite;
- (vii) opleiding en ontwikkeling;
- (viii) prestasie-evaluering;
- (ix) bevordering;
- (x) oorplasing;
- (xi) demosie;
- (xii) dissiplinêre maatreëls, uitgesonderd ontslag; en
- (xiii) ontslag;

"inherente vereistes van 'n funksie" die vereistes wat deur die funksie vereis word asook die bekwaamhede wat 'n lid nodig het om die funksie te kan verrig;

"Intelligensiedienste" die Nasionale Intelligensie-agentskap (NIA) en die Suid-Afrikaanse Geheime diens (SAGD);

"interdepartementele oorplasing" die permanente oorplasing van 'n lid van enige van die Intelligensiedienste of die Akademie, na gelang van die geval, na 'n ander staatsdepartement of van een Intelligensiediens of die Akademie, na gelang van die geval, na 'n ander;

"interne betrekkings" vakante betrekkings wat binne die onderskeie Intelligensiedienste of die Akademie, na gelang van die geval, geadverteer word om die loopbaanvordering van aktiewe lede moontlik te maak;

"interne oorplasing" die aanstelling van 'n lid in 'n nuwe of vakante betrekking, of die oorplasing na 'n ander struktuur op 'n permanente grondslag binne dieselfde Intelligensiediens of binne die Akademie;

"JE Manager" die Posevalueringbestuurderstelsel;

"kadet" 'n jong persoon van 'n erkende tersiêre instelling of hoër skool wat gewerf is om aan die Akademie te studeer maar wat nie tans 'n lid is nie;

"kalendermaand" al die dae in 'n maand, insluitende naweke en openbare vakansiedae, van die eerste tot die laaste dag van die maand;

"kind" 'n lid se natuurlike kind, of 'n stiefkind of wettig aangenome kind, wat nog nie die ouderdom van 21 jaar bereik het nie, of 'n kind wat in die wettige bewaring, wat regtens erken word, van die lid, sy of haar gade of lewensgenoot geplaas is;

"kommunikasiesekuriteit" regstreekse of onregstreekse kommunikasie;

"konsultasiediens" die mediese konsultasiediens, insluitende 'n teater en resepteerafdeling, wat interne dienste verskaf aan persone wat op OPMED-voordele geregtig is;

"leerderskapprogram" 'n leerderskapprogram soos omskryf in die "Skills Development Act", 1998 (Wet 97 van 1998);

"lewensgenoot" 'n ongetroude persoon, ongeag geslag, met wie die lid 'n verhouding soortgelyk aan 'n huwelik het en wat permanent by die lid woon en gemeenskaplike bates deel;

"lid", soos in Hoofstuk XVI bedoel en vir doeleindes van konsultasie, enige lid van die Intelligensiedienste of die Akademie, na gelang van die geval, wat nie 'n senior lid of 'n lid van die arbeidsverhoudinge-, regsdiens-, interne audit- en bestuursdienstefunksie is nie;

"mediese noodsaaklikheid" die norm om 'n gesondheidsorgdiens te evalueer ten einde te bepaal of dit medies geskik en nodig is om in basiese behoeftes te voorsien, geskik vir 'n gegewe diagnose of toestand en kostedoeltreffend vir die gegewe toestand; geskik om in die aangeduide situasie gelewer te word, in ooreenstemming met die voordele en uitsluitings van die mediese skema, en in ooreenstemming met die tipe, frekwensie en duur van behandeling met wetenskaplik gegronde riglyne van mediese praktyk en kwantifiseerbare mediese waarde;

"mediese of gesondheidsorgverskaffer" alle mediese en gesondheidsorgverskaffers wat by die SA Mediese Vereniging geregistreer is en wat daarop geregtig is om te praktiseer kragtens artikel 17 van die Wet op Gesondheidsberoep, 1974 (Wet 56 van 1974);

"mediese ondersoek" die mediese toets van 'n aansoeker ten einde sy of haar mediese status te bepaal met betrekking tot die vereistes van 'n spesifieke betrekking;

"mediese ongeskiktheid" dat, tans en vir die afsienbare toekoms, die lid se liggaamlike of geestestoestand sodanig is dat hy of sy nie 'n bevredigende vlak van prestasie kan handhaaf nie of nie sy of haar pligte kan verrig nie anders as met uiterste pyn en ongemak, of met behandeling of medikasie wat 'n risiko vir sy of haar gesondheid inhou, en dat behoudens die lid se senioriteit en opleiding, geen redelike alternatiewe plasing bestaan nie: Met dien verstande dat hierdie toestand van so 'n aard is dat doeltreffendheid en doelmatigheid vir 'n onvoorsienbare tydperk nadelig geraak sal word;

"medieseskemabydrae" die maandelikse bedrag, rente uitgesluit, wat deur 'n OPMED-lid verskuldig is as sy of haar ledegeld asook vir sy of haar geregistreerde afhanklikes;

"medieseskemareëls" die reëls van OPMED, insluitende dié vir die bedryf van die besigheid van die skema (aanshangsels en bylaes) en enige ander bepaling betreffende die voordele wat toegestaan kan word, asook die bydraes verskuldig soos deur die OPMED-bestuursbeheerraad bepaal en hersien;

"mediese toets" enige toets, vraag, ondersoek of ander middele wat bedoel is om vas te stel, of wat die uitwerking het dat dit die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, in staat stel om vas te stel of 'n lid enige mediese toestand onder lede het;

"mediese voordele" voordele waarop 'n lid en sy of haar geregistreerde afhanklikes geregtig is, behoudens die beperkings deur die OPMED-reëls gestel;

"mense met gestremdhede" mense wat 'n langtermyn- of herhalende liggaamlike of geestesgebrek het wat hulle vooruitsigte van toetrede tot of vordering in diens wesenlik beperk;

"MIV" die menslike immuuniteitsgebreksvirus;

"NKS" die Nasionale Kommunikasiesentrum as 'n bestedingsentrum van die Nasionale Intelligensiediens;

"norm" die aanvanklike evaluering van 'n pos binne die Intelligensiedienste of die Akademie, na gelang van die geval;

"onderdekkingslid" 'n lid van die Intelligensiedienste of die Akademie, na gelang van die geval, wie se verhouding met die Intelligensiedienste of die Akademie heeltemal verborge is en wat onder diep dekking funksioneer vir operasionele doeleindes in gevalle waar daar 'n behoefte aan uiterste aanspreeklikheid, lewensgevaar of 'n hoë risiko vir die blootstelling van teenmaatreëls is;

"onmiddellike familie" 'n familielid soos 'n lid se vader, moeder, broer, suster, gade of lewensgenoot vir wie die lid aanspreeklik is vir gesinsorg en onderhoud en wat finansiële van die lid afhanklik is;

"onregstreekse kommunikasie" die oordrag van inligting, insluitende 'n boodskap of enige deel van 'n boodskap, hetsy –

- (i) in die vorm van –
 - (aa) spraak, musiek of ander klanke;
 - (bb) data;
 - (cc) teks;
 - (dd) visuele beelde, hetsy geanimeer al dan nie;
 - (ee) seine; of
- (ii) in enige ander vorm of in enige kombinasie van vorms wat in die geheel of gedeeltelik deur middel van 'n posdiens of 'n telekommunikasiediens versend word;

"opeenvolgende dae" kalenderdae, insluitende naweke en openbare vakansiedae;

"openbare vakansiedag" enige dag wat 'n openbare vakansiedag is ingevolge die Wet op Openbare Vakansiedae, 1994 (Wet 36 van 1994);

"OPMED" Optimum Mediese Skema;

"OPMED-bestuursbeheerraad" die persone in ooreenstemming die OPMED-reëls aangestel en/of verkies om die sake van OPMED te bestuur en te beheer;

"OPMED-bestuurskomitee" die komitee wat deur die Intelligensiedienste aangestel word om die OPMED-skema te bestuur en te beheer;

"personeelveiligheid" enige toestand geskep deur die doelbewuste skepping, implementering en toepassing van veiligheidsmaatreëls ten einde te verseker dat 'n persoon wat toegang tot geklassifiseerde inligting en/of beperkte persele verkry, veiligheidsbevoeg is;

"politieke organisasie" 'n party, liggaam of beweging met politieke oogmerke;

"posevaluering" 'n proses om die relatiewe waarde van poste binne die Intelligensiedienste of die Akademie, na gelang van die geval, te evalueer deur 'n objektiewe en betroubare graderingstelsel toe te pas;

"posevalueringsadministrateur" 'n lid wat opgelei is in die posevalueringstelsel en as sodanig aangestel is binne die struktuur verantwoordelik vir die evaluering van al die poste in die Intelligensiedienste of die Akademie, na gelang van die geval;

"posevalueringsfasiliteerder" 'n lid wat opgelei is in die posevalueringstelsel en deur 'n hoofbestuurder aangestel is om die betrokke struktuur in posevaluering en verwante aktiwiteite te verteenwoordig;

"posgewig" die numeriese waarde toegewys om geselekteerde eienskappe van 'n pos te weerspieël wat deur 'n posevalueringsinstrument gemeet is;

"proeftydperk" 'n tydperk waarin 'n lid wat in 'n bepaalde betrekking aangestel is, geëvalueer en geassesseer word ten einde sy of haar geskiktheid vir permanente aanstelling te bepaal;

"psigometriese toetsing" die evaluering van 'n aansoeker ten einde die aansoeker se geskiktheid betreffende persoonlikheid of taakvereiste van 'n spesifieke betrekking te bepaal;

"raad" 'n personeelraad en 'n konsultasieraad ingevolge hierdie Regulasies ingestel;

"regspraktisyn" 'n persoon wat toegelaat is om as 'n prokureur of advokaat in die Republiek van Suid-Afrika te praktiseer;

"regstellendeaksiemaatreëls" ook, maar is nie beperk nie tot, maatreëls wat bedoel is om te verseker dat geskik gekwalifiseerde mense uit aangewese groepe gelyke diensgeleenthede het en billik verteenwoordig word in alle beroepskategorieë en -vlakke in die Intelligensiedienste of die Akademie, na gelang van die geval;

"regstreekse kommunikasie" –

- (i) 'n mondelinge kommunikasie, uitgesonderd 'n onregstreekse kommunikasie, tussen twee of meer persone wat plaasvind in die onmiddellike teenwoordigheid van al die persone wat aan daardie kommunikasie deelneem; of
- (ii) 'n uiting deur 'n persoon wat aan 'n onregstreekse kommunikasie deelneem, indien die uiting hoorbaar is vir 'n ander persoon wat, op die tydstip wanneer die onregstreekse kommunikasie plaasvind, in die onmiddellike teenwoordigheid is van die persoon wat aan die onregstreekse kommunikasie deelneem;

"rekord van swak prestasie" enige beskikbare rekord van 'n lid se vorige swak prestasie waaraan hy of sy skuldig bevind is ingevolge Hoofstuk XIX;

"rusdag", met betrekking tot 'n lid wat nie gewoonlik op so 'n dag werk nie, 'n Saterdag, 'n Sondag of 'n openbare vakansiedag, en in die geval van 'n lid wat gewoonlik op 'n Saterdag, 'n Sondag of 'n openbare vakansiedag werk, enige ander dag waarop die lid, in plaas van so 'n dag, gewoonlik vrygestel is van werk;

"salarisreeks" 'n stel salarisse wat deel uitmaak van 'n salarisskaal gekoppel aan 'n spesifieke graad en, by uitbreiding, 'n stel posgewigte;

"salarisskaal" 'n reeks salarisse van 'n minimum tot 'n maksimum as salaris vir die Intelligensiedienste of die Akademie, na gelang van die geval, 'n beroepsgroep of 'n eenheid binne die Intelligensiedienste of die Akademie, na gelang van die geval, met spesifieke bedrae wat aangedui word as die begin en einde van salarisreekse of 'n vaste bedrag of kerf;

"sekondering" die tydelike oorplasing van 'n lid van die Intelligensiedienste of die Akademie, na gelang van die geval, na 'n ander staatsdepartement, van een Intelligensiediens na 'n ander, van die Intelligensiedienste na die Akademie of van die Akademie na die Intelligensiedienste;

"senior lid", soos in Hoofstuk XVI bedoel, enige lid van die Intelligensiedienste of die Akademie, na gelang van die geval, wat verantwoordelik is vir die bestuur van lede en waar daar 'n botsing van belange kan wees aangesien daardie lede toegang tot bestuursbesluite kan hê;

"sessiediens" parlementêre diens verrig by die kantoor van die Minister vir die Intelligensiedienste in Kaapstad soos van tyd tot tyd deur die Minister verlang, en in ooreenstemming met die Departement van Staatsdiens en Administrasie se beleid oor sessiediens;

"Strategiese Uitvoerende Bestuur" die Direkteur-generaal of Hoof-Uitvoerende Beampte, na gelang van die geval, Adjunk-direkteur(s)-generaal en hoofbestuurders in die onderskeie Intelligensiedienste of die Akademie, na gelang van die geval, ingevolge Hoofstuk XVI;

"swak prestasie" enige prestasie wat onder die gepaste standarde is voortspruitend uit enige ander bron as swangerskap of mediese ongeskiktheid of wangedrag;

"swangerskap" swangerskap, beëindiging van swangerskap en enige mediese omstandighede betreffende swangerskap;

"swart mense" 'n generiese term wat Afrikane, Kleurlinge en Indiërs omvat;

"Tesourie-regulasies" die Tesourie-regulasies uitgevaardig kragtens die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999);

"toegangsbeheer" die proses waardeur toegang tot 'n bepaalde gebied beheer word of tot slegs gemagtigde personeel beperk word;

"toesighouer" die onmiddellike toesighouer van 'n lid of die lid wat toesig hou oor die funksie van die lid op 'n gegewe tydstop;

"vaste diensstaat" die totale getal poste geskep vir die normale en gereelde behoeftes van die Intelligensiedienste of die Akademie, na gelang van die geval, en enige ander sodanige komponente wat administratief gekoppel is aan die Intelligensiedienste of die Akademie, na gelang van die geval;

"veiligheid" enige toestand en/of situasie geskep deur die doelbewuste skepping of implementering en toepassing van veiligheidsmaatreëls vir die beskerming van lewens, eiendom en inligting;

"veiligheidsbevoegdheid" die vermoë van 'n persoon om op so 'n wyse op te tree dat hy of sy nie veroorsaak dat geklassifiseerde inligting of materiaal aan 'n ongemagtigde lid of persoon bekend gemaak word en die veiligheid of belange van die Intelligensiedienste, die Akademie of die Staat sodoende benadeel of in gevaar gestel sal word nie;

"veiligheidsbevoegdheidsondersoekbeampte" 'n lid van die Intelligensiedienste deur die Direkteur-generaal aangewys met die gesag om veiligheidsbevoegdheidsondersoeke te doen;

"veiligheidsklaringsertifikaat" 'n amptelike dokument wat die graad van veiligheidsbevoegdheid van 'n persoon aandui;

"verlofsiklus" 'n tydperk van twaalf maande wat begin in die maand waarin 'n lid by die Intelligensiedienste of die Akademie, na gelang van die geval, aansluit of, in die geval van 'n oorgeplaasde lid, in die maand waarin die lid by die Staatsdiens aangesluit het;

"verteenwoordigendheid" die mate waarin die gevulde poste op die vaste diensstaat breedweg die samestelling van die Suid-Afrikaanse bevolking weerspieël betreffende ras, geslag en gestremdheid;

"VKAR" die Veiligheidsklaringsadviesraad;

"vlak" salarisreeks of -graad;

"voortsettingslid" 'n lid, met sy of haar geregistreerde afhanklikes, as daar is, wat sy of haar lidmaatskapstatus van OPMED behou sonder benadeling of beperking van 'n voortgesette tydperk van lidmaatskap in die geval van sy of haar aftrede uit die Intelligensiedienste of die Akademie, na gelang van die geval, as gevolg van die beëindiging van sy of haar diens deur die Intelligensiedienste of die Akademie, na gelang van die geval, omdat die lid die aftree-ouderdom bereik het of medies ongeskik verklaar is of as gevolg van diensbeëindiging met 'n uittreepakket, op voorwaarde dat OPMED-lidmaatskap behou word;

"Waarborgskema" 'n waarborg uitgereik aan 'n finansiële instelling ten gunste van 'n lid of 'n aanvullende investering gedoen deur die Intelligensiedienste of die Akademie, na gelang van die geval, ten gunste van 'n lid en oorgemaak aan 'n finansiële instelling ten einde 'n lid in staat te stel om 'n lening te kry met die doel om 'n eiendom te koop sonder dat hy of sy self volle verantwoordelikheid aanvaar;

"wangedrag" wangedrag soos in Aanhangsel A van Hoofstuk XVIII omskryf;

"week" 'n tydperk van sewe opeenvolgende dae;

"weeskind" die kind van 'n oorlede lid, van wie albei ouers oorlede is en wat as sodanig geklassifiseer is;

"werkplekreg" 'n geregtigheid saamgestel uit die toepaslike wetgewende raamwerk en praktyke in die werkplek;

"Wet" die Wet op Intelligensiedienste, Wet 65 van 2002;

"Wet op Arbeidsverhoudinge" die Wet op Arbeidsverhoudinge, 1995 (Wet 66 van 1995);

"Wet op Mediese Skemas" die Wet op Mediese Skemas, 1998 (Wet 131 van 1998), soos gewysig; en

het enige ander woord die betekenis wat in die Wet daaraan geheg is.

- (c) In hierdie Regulasies, indien die samehang van omstandighede dit vereis of toelaat of tensy uitdruklik anders vermeld, het bostaande woorde en uitdrukkings die betekenis daaraan geheg, en word woorde wat die enkelvoud aandui, geag ook die meervoud in te sluit, en omgekeerd.

(3) **Statutêre magtiging**

Artikel 37 van die Wet verleen magtiging vir hierdie Regulasies.

(4) **Toepassingsbestek**

Hierdie Regulasies is van toepassing op persone, lede en instellings wat ingevolge die Wet gereguleer word.

(5) **Herroeping van regulasies, en oorgangsreëlings**

Alle Intelligensiediensteregulasies wat kragtens die Wet op die Intelligensiedienste, 1994 (Wet 38 van 1994), uitgevaardig en van krag is, insluitende alle wysigings daarvan, word hierby herroep.

- (i) Enige aangeleentheid bedoel in die Intelligensiediensteregulasies wat kragtens die Wet op die Intelligensiedienste, 1994 (Wet 38 van 1994), uitgevaardig is, wat bedoel kan word kragtens enige bepaling van hierdie Regulasies, word geag bedoel te wees kragtens die betrokke bepaling van hierdie Regulasies.
- (ii) Ondanks die herroeping van die regulasies is die oorgangsreëlings in Hoofstuk XXVIII uiteengesit, van toepassing.

(6) **Uitsonderingsgevalle**

Indien omstandighede ontstaan wat afwyking van die bepalings en maatreëls in hierdie Regulasies regverdig, kan die Minister in vermelde omstandighede sodanige bepalings maak of direkteur uitreik of goedkeur dat alternatiewe bepalings en maatreëls toegepas word.

(7) **Amptelike teks**

Die Engelse teks is die amptelike teks van hierdie Regulasies.

2. DELEGASIES EN VERANTWOORDELIKHEDE

(1) **Toepassing van die Regulasie**

- (a) Om die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, in staat te stel om sy of haar Intelligensiediens of die Akademie doeltreffend en doelmatig te bestuur, moet die Minister gepaste bevoegdhede en gesag aan die Direkteur-generaal en die Hoof- Uitvoerende Beampte verleen. Vir dieselfde doel moet die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, lede in die Intelligensiedienste of die Akademie, na gelang van die geval, bemaatig deur middel van gepaste delegasies en magtigings, waar nodig.
- (b) Die Minister moet meetbare oogmerke vir die Intelligensiedienste en die Akademie stel, die Intelligensiedienste en die Akademie se mense- en ander hulpbronne optimaal benut en billike arbeidspraktyke toepas.
- (c) Die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, moet doelwitte stel om –
 - (i) 'n sterk organisasiekultuur te bevorder wat hoë standarde, professionalisme en morele integriteit weerspieël, en
 - (ii) die objektiwiteit, tydigheid en akkuraatheid van inligting en die gehalte van óf sy intelligensieramings en/of sy kernfunksies, na gelang van die geval, deurlopend te verbeter.

(2) Delegasies

- (a) Indien hierdie Regulasies 'n bevoegdheid verleen of 'n plig plaas op die Minister, 'n Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, kan hy of sy, behoudens die Wet –
 - (i) die bevoegdheid aan 'n lid deleger of 'n lid magtig om die plig te verrig, en
 - (ii) voorwaardes stel vir die uitoefening van die bevoegdheid of die verrigting van die plig.
- (b) Die Minister moet 'n delegasie of magtiging skriftelik aanteken en kan dit opneem in 'n dienskontrak vir die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval.
- (c) Die delegasie van 'n bevoegdheid deur die Minister, 'n Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, verhinder hom of haar nie om die bevoegdheid persoonlik uit te oefen nie.

(3) Verantwoordelikhede

- (a) Die Minister moet die toepassings en maatreëls in hierdie Regulasies uiteengesit, handhaaf.
- (b) Die Minister mag nie van 'n Direkteur-generaal, die Hoof- Uitvoerende Beampte of enige ander lid, na gelang van die geval, vereis of hom of haar toelaat om betrokke te raak by 'n aktiwiteit of 'n besluit te neem in stryd met hierdie Regulasies nie.
- (c) 'n Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, moet –
 - (i) verseker dat lede binne sy of haar Intelligensiediens of die Akademie, na gelang van die geval, aan hierdie Regulasies en enige ander statutêre verpligtinge voldoen, en
 - (ii) enige skending daarvan onmiddellik en doeltreffend hanteer.

3. AARD VAN INTELLIGENSIE

- (1) Die Intelligensiedienste moet geëvalueerde inligting verskaf om te verseker dat –
 - (a) die Grondwet beveilig word;
 - (b) die individuele regte uiteengesit in die Handves van Regte in die Grondwet vervat, gehandhaaf word;
 - (c) die onderling verwante elemente van veiligheid, stabiliteit, samewerking en ontwikkeling bevorder word, sowel binne die Republiek van Suid-Afrika as met betrekking tot Suider-Afrika;
 - (d) nasionale welvaart verkry word en 'n daadwerklike bydrae gelewer word tot wêreldwye gedefinieerde prioriteite vir die welsyn van die mens; en

- (e) die Republiek van Suid-Afrika se vermoë om buitelandse bedreigings te weerstaan, bevorder word en sy mededingendheid in 'n dinamiese wêreld verhoog word.
- (2) Om hulle mandate uit te voer, moet die Intelligensiedienste verseker dat intelligensie gebruik word om –
 - (a) beleidmakers te voorsien van tydige, kritieke en unieke inligting om hulle teen potensiële risiko's en gevare te waarsku;
 - (b) geleenthede in die internasionale omgewing te identifiseer deur die evaluering van werklike of potensiële mededingers se voornemens en vermoëns; en
 - (c) goeie bestuur in die hand te werk deur eerlike en kritieke intelligensie te verskaf wat die swakhede van die regering uitlig.
- (3) Intelligensie moet oor minstens die volgende eienskappe beskik: akkuraatheid, tersaaklikheid, voorspellingsvermoë en 'n element van waarskuwing en tydigheid.
- (4) Doeltreffende intelligensie vereis die noodsaaklike komponent van geheimhouding en moet sensitief wees vir die belange en waardes van 'n demokratiese samelewing.
- (5) Die Intelligensiedienste en die Akademie moet intelligente, mededingende en gemotiveerde individue met integriteit uit alle sektore van die Suid-Afrikaanse samelewing werf om intelligensiebeamptes te word. Dit vereis 'n multidissiplinêre benadering waar hierdie beamptes uit 'n gediversifiseerde poel gewerf sal word, en 'n versekering dat die seldsame vaardigheid waaroor hierdie individue beskik, behou sal word.
- (6) Die Intelligensiedienste en die Akademie moet die beginsels van integriteit, objektiwiteit en geloofwaardigheid handhaaf. Hulle moet daarna streef om tersaaklik te wees vir die handhawing, bevordering en beskerming van nasionale veiligheid.
- (7) Die Intelligensiedienste en die Akademie moet lojaal wees aan die Staat en die grondwetlike oogmerke.

4. PROFIEL VAN 'N INTELLIGENSIEBEAMPTTE

- (1) Eienskappe en kwaliteite wat 'n lid nodig het om suksesvol te wees as 'n Intelligensiebeampte, sluit in –
 - (a) getrouheid aan die Republiek van Suid-Afrika en die Grondwet;
 - (b) gehoorsaamheid aan die wette van die Republiek van Suid-Afrika;
 - (c) verontagsaming van 'n duidelik onwettige bevel;
 - (d) respek vir die norme, waardes en beginsels van 'n demokratiese samelewing, insluitende die basiese menseregte van individue;

- (e) verantwoordelikheid by die hantering van inligting en intelligensie, en die voorkoming tot elke prys van die ongemagtigde openbaarmaking van nasionale veiligheidsbelange;
- (f) die vermoë om 'n vroeëwaarskuwingstelsel te fasiliteer ten einde beleidmakers te help om skadelike tendense te identifiseer;
- (g) die vermoë om die oorsaak en gevolg te bepaal ten einde koppelings te kry in die ketting van getuienis, tussen feit en fiksie te onderskei en tussen noodsaaklike en nienoodsaaklike elemente te onderskei;
- (h) nuuskierigheid, vindingrykheid, die vermoë om aandag aan detail te gee en idees duidelik, korrek, bondig en volledig uit te druk;
- (i) die fasilitering van ander menings, denkwyses en gedrag asook begrip vir die rede vir ander mense se denkprosesse en optrede;
- (j) buigsaamheid en onbevangenheid;
- (k) vernaamste belangstellings in die bedryf van intelligensie, maar lê matigheid aan die dag met betrekking tot die bevordering van eie ambisie en strewe na persoonlike beloning;
- (l) nakoming van die "moet weet"-beginsel;
- (m) integriteit, betroubaarheid, menslikheid en deernis;
- (n) strategiese denke, met intuïsie en voorspelbaarheid;
- (o) kennis van praktiese sielkunde om 'n operasionele situasie te vertolk;
- (p) identifisering en op hoogte bly van en advisering oor politieke, ekonomiese, omgewingskundige en maatskaplike ontwikkelings nasionaal en internasionaal;
- (q) bystand met die ontwikkeling van doeltreffende beheerstelsels ten einde die insameling van staatsinkomste te maksimeer en korrupsie, witboordjiemisdaad en wanbestuur in staatsdepartemente en agentskappe in die openbare sektor te verminder;
- (r) die vermoë om vroeë voorkomende optrede te fasiliteer en sodoende onnodige krisisse en verwoestende mensekoste te vermy;
- (s) die vermoë om gesigte, gebeure en plekke te memoriseer;
- (t) groot geduld;
- (u) vaardigheid in vreemde tale ten einde operasionele take gemaklik en geredelik te verrig;
- (v) moed en die vermoë om risiko's te loop;

- (w) die nabootsing van woede of ongeduld of simpatie sonder om beheer oor emosies te verloor, die verberging van werklike gevoelens en die voorhou van 'n valse front, indien nodig;
 - (x) gedrag wat die integriteit van die Intelligensiedienste of die Akademie, na gelang van die geval, handhaaf.
- (2) Om die vasbeslotenheid voort te bring om 'n intelligensiebeampte te hê wat oor bovermelde eienskappe beskik, moet die diensvoorwaardes van die Intelligensiedienste en die Akademie gunstig vergelyk met nasionale en internasionale beste praktyke.

5. DRAGKODE

- (1) Lede van die Intelligensiedienste en die Akademie moet vir elke spesifieke geleentheid gepas en geskik geklee wees.
- (2) Die Direkteur-generaal en die Hoof- Uitvoerende Beampte, na gelang van die geval, moet maatreëls tref om te verseker dat lede se drag, persoonlike versorging en persoonlike higiëne gepas is vir die werksituasie.
- (3) Dit is die verantwoordelikheid van toesighouers om konsekwentheid te verseker met die nakoming van die Intelligensiedienste of die Akademie se dragkodebeleid.

HOOFSTUK V**WERWING, KEURING, AANSTELLING EN DIENSBEËINDIGING****1. DOEL**

Die doel van hierdie Hoofstuk is om besonderhede te verstrek van die –

- (a) vereistes en prosedures vir werwing, keuring, aanstelling en diensbeëindiging in die Intelligensiedienste en die Akademie; en
- (b) die diensvoorwaardes van toepassing op persone wat gewerf, gekeur of aangestel word en/of wie se diens beëindig word in die Intelligensiedienste en die Akademie, uitgesonderd die voorwaardes wat op salarisse, toelaes en verwante voordele betrekking het.

2. TOEPASSING VAN DIE REGULASIE

(1) Die volgende is fundamentele aspekte:

- (a) Toeganklikheid – alle betrekkings in die Intelligensiedienste en die Akademie moet op 'n mededingingsgrondslag gevul word en moet dus openlik geadverteer word. Versoeke om van advertensieprosedures af te sien en/of om op uitnodiging aan te stel, moet na die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, verwys word vir goedkeuring.
- (b) Aanspreeklikheid – die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, is aanspreeklik en die gesag vir werwing en keuring berus by hom of haar.
- (c) Billikheid – maatreëls moet getref word om te verseker dat mensehulpbronpraktyke vry is van diskriminasie, onsigbare versperrings en onregverdigheid, wat gelyke werkgeleenthede sal belemmer.
- (d) Regverdigheid – handelinge en besluite moet objektief, konsekwent en sonder vooroordeel wees.
- (e) Deursigtigheid – werwings- en keuringsprosesse in die Intelligensiedienste en die Akademie moet oop, deursigtig en onderhewig aan interne ondersoek en oudit wees.
- (f) Professionaliteit – werwings- en keuringsprosesse moet professioneel en bekwaam uitgevoer word en moet die hoogste etiese standaarde weerspieël.

(2) Werwing vir seldsame of skaars vaardighede in die mededingende mark vereis die gebruik van sowel advertering as koppesnellery.

(3) Werwing en keuring in die Intelligensiedienste en die Akademie moet gelei word deur en berus op 'n behoorlik ingestelde mensehulpbronplan, afgelei van die Intelligensiedienste of die Akademie, na gelang van die geval, se strategiese beplanningsprosesse.

- (4) Alle aangeleenthede rakende die vulling van betrekkinge in die Intelligensiedienste of die Akademie, na gelang van die geval, moet gekoördineer en hanteer word deur die struktuur verantwoordelik vir werwing en keuring in die onderskeie Intelligensiedienste of die Akademie, na gelang van die geval.

3. VEREISTES VIR AANSTELLING

- (1) Enige persoon kan aansoek doen vir aanstelling in die Intelligensiedienste of die Akademie, na gelang van die geval, indien die persoon -
- (a) 'n Suid-Afrikaanse burger is;
 - (b) minstens 18 jaar oud is;
 - (c) verstandelik en liggaamlik geskik is om die werksaamhede te verrig wat deur die Intelligensiedienste of die Akademie, na gelang van die geval, vereis word;
 - (d) voldoen aan die opvoedkundige standaarde wat deur die Intelligensiedienste of die Akademie, na gelang van die geval, bepaal is;
 - (e) voldoen aan die veiligheidsvereistes wat deur die Intelligensiedienste of die Akademie, na gelang van die geval, bepaal is;
 - (f) bereid is om die Verklaring van Trou af te lê en te handhaaf;
 - (g) bereid is om opleiding te ondergaan soos wat van tyd tot tyd vereis word; en
 - (h) bereid is om onderwerp te word aan die Gedragskode vir Intelligensiewerke en alle toepaslike regulasies en lasgewings van die Intelligensiedienste of die Akademie, na gelang van die geval.
- (2) 'n Aansoeker mag nie in die Intelligensiedienste of die Akademie, na gelang van die geval, aangestel word nie tensy hy of sy die vereiste mediese toetse, sielkundige toetse en enige ander verwante evalueringe en ondersoeke wat ten tyde van die aansoek redelikerwys deur die Intelligensiedienste of die Akademie, na gelang van die geval, vereis word, suksesvol ondergaan het.
- (3) Die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, kan, behoudens Hoofstuk XV, direkteur uitreik oor die toetse en evalueringe wat vir verskillende beroepsgroepe vereis word.
- (4) 'n Aansoeker se profiel moet in ooreenstemming wees met die verlangde eienskappe van 'n Intelligensiebeampte in Hoofstuk I bedoel.
- (5) Die Minister kan na oorleg met die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, riglyne uitreik oor die werwing en aanstelling van Adjunk-direkteur(s)-generaal, Assistent-direkteur(s)-generaal, hoofbestuurders, bestuurders en beamptes op gelykwaardige posvlakke, en lede wat na buitelandse kantore uitgeplaas moet word.

4. AANSOEK VIR AANSTELLING

- (1) Wanneer 'n aansoeker aansoek doen vir 'n betrekking in die Intelligensiedienste of die Akademie, na gelang van die geval, moet die aansoeker –
 - (a) die aansoekvorm behoorlik invul;
 - (b) bevredigende bewys van burgerskap voorlê;
 - (c) bevredigende bewys van ouderdom voorlê;
 - (d) bevredigende bewys voorlê dat die vereiste opvoedkundige en opleidingstandaard behaal is;
 - (e) die gevraagde inligting voorlê om die veiligheidskeuring te vergemaklik;
 - (f) bevredigende dokumentêre bewys voorlê van die aansoeker se huweliks- of lewensgenootstaat, asook ouerskap van natuurlike of aangenome kinders; en
 - (g) enige ander dokumentasie wat van tyd tot tyd deur die Intelligensiedienste of die Akademie, na gelang van die geval, vereis word.
- (2) 'n Lid van die Intelligensiedienste of die Akademie, na gelang van die geval, kan aansoek doen vir 'n geadverteerde pos in die Intelligensiedienste of die Akademie, na gelang van die geval, waarvoor hy of sy kwalifiseer betreffende inherente vereistes vir die pos: Met dien verstande dat waar 'n pos op 'n hoër vlak is, die lid 'n tydperk van minstens een jaar in sy of haar huidige pos moet voltooi het.
- (3) 'n Lid wat voornemens is om vir 'n ander pos aansoek te doen, moet sy of haar huidige toesighouer voor sodanige aansoek daarvan in kennis stel.
- (4) Waar lede van die Intelligensiedienste of die Akademie, na gelang van die geval, op 'n grondslag van koppesnellery of talentsoek gewerf word, moet die koppesnel- of talentsoekbestuur die bestuur van die betrokke lid in kennis stel: Met dien verstande dat die voorwaardes in regulasie 4(2) uiteengesit, nagekom moet word.
- (5) Wanneer 'n aansoeker 'n dokument as bewys van 'n feit moet voorlê en nie in staat is om die oorspronklike of 'n gewaarmerkte afskrif van die dokument voor te lê nie, kan hy of sy 'n beëdigde of plegtige verklaring voorlê ter staving van die feit wat bewys moet word en die rede vermeld vir die niebeskikbaarheid van die oorspronklike of 'n gewaarmerkte afskrif: Met dien verstande dat die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, stappe kan doen om die inhoud van sodanige dokumentasie te verifieer.

5. VULLING VAN POSTE

'n Proses in Hoofstuk II beoog, moet die vulling van nuut geskepte of bestaande vakante poste voorafgaan.

6. WERWINGSMETODES

(1) Advertensies

- (a) Vakante poste kan sowel intern in die Intelligensiedienste of die Akademie, na gelang van die geval, as ekstern geadverteer word, met vermelding van 'n bepaalde posvlak. Voorkeur moet aan lede gegee word.
- (b) Die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, kan afsien van advertensieprosedures en kan deur middel van uitnodiging 'n persoon aanstel om 'n pos te vul ooreenkomstig die bepalings van regulasie 8(3).
- (c) Die advertensie moet die vereistes en maatstawwe vir die pos vermeld.
- (d) Die struktuur verantwoordelik vir werwing en keuring in elk van die Intelligensiedienste of die Akademie, na gelang van die geval, moet verantwoordelik wees vir die samestelling van die advertensie, in oorleg met die betrokke lynbestuur.
- (e) Sorg moet gedra word dat geen potensieel diskriminerende maatstawwe by die adverteer van poste ingesluit word nie.
- (f) Die sluitingsdatum vir aansoeke moet genoeg tyd toelaat vir potensieële aansoekers om tersaaklike inligting oor die pos te bekom en om hulle aansoeke binne die gegewe tydperk voor te lê.
- (g) Aansoeke moet deurgestuur en geregistreer word deur die struktuur verantwoordelik vir werwing en keuring in elk van die Intelligensiedienste of die Akademie, na gelang van die geval. Die betrokke struktuur moet ontvangs van alle aansoeke erken.

(2) Koppesnellery

- (a) Koppesnellery as 'n werwingsmetode kan gelyktydig met advertering ingevolge regulasie 6(1) gebruik word.
- (b) Koppesnelmaatreëls kan gebruik word om 'n aantal aansoekers met spesifieke tersaaklike vaardighede wat nie geredelik in die ope mark beskikbaar is nie, te identifiseer en uit te nooi.
- (c) Die Intelligensiedienste of die Akademie, na gelang van die geval, kan die dienste van geregistreerde en veiligheidsgeklearde werwingskonsultante gebruik om 'n geteikende poel persone te bereik en om die koppesnelkapasiteit te vergroot.

(3) Talentsoek

Talentsoek kan gebruik word om persone met spesifieke talente en vaardighede vir werwing te identifiseer.

7. KEURINGSPROSES

- (1) Die keuringsproses moet uit die volgende drie fases bestaan:
 - (a) voorkeuring;
 - (b) keuring; en
 - (c) nakeuring.
- (2) Die hoofbestuurder verantwoordelik vir mensehulpbronne moet die koördinering van die drie keuringsfases en die voorlegging van verslae aan die Aanstellings- en Keuringsraad vir verwerking verseker.
- (3) Die voorkeuringsfase bestaan uit:
 - (a) Kortlysting:
 - (i) Dit moet so gou moontlik na die sluitingsdatum vir die voorlegging van aansoeke gedoen word.
 - (ii) Die strukture verantwoordelik vir werwing en keuring moet 'n voorlopige kortlys van aansoekers opstel.
 - (iii) Die onderhoudspaneel moet voor die onderhoude byeenkom om die maatstawwe vir keuring te beplan.
 - (b) Verwysings en voorlopige veiligheidsondersoeke van aansoekers op die kortlys voor die onderhoude.
- (4) Die onderhoudspaneel moet die vereistes en maatstawwe wat vir die pos gestel is, aan alle evalueringseenhede verskaf.
- (5) Die onderhoudspaneel moet voor die aanvang van die keuringsproses saamgestel word.
- (6) Die onderhoudspaneel moet verteenwoordigend wees betreffende geslag en ras en moet bestaan uit 'n lid van –
 - (a) lynbestuur;
 - (b) mensehulpbronne; en
 - (c) 'n komponent buite die komponent waarvoor die kandidaat oorweeg word.
- (7) Die keuringsfase bestaan uit paneelonderhoude en evaluerings, soos volg:
 - (a) Paneelonderhoude:
 - (i) Hierdie onderhoude moet plaasvind binne 'n redelike tydperk na die afhandeling van die voorkeuringsfase.
 - (ii) Die oorkoepelende doel van die onderhoud is om –

- (aa) inligting te verstrek oor die aard van die Intelligensiedienste of die Akademie, na gelang van die geval, en die verantwoordelikhede verbonde aan die pos;
 - (bb) inligting te verkry oor die aansoeker se vorige ondervinding en kwalifikasies in soverre dit op die werkvereistes betrekking het;
 - (cc) bekwaamheid te evalueer, veral gedragseienskappe en taalvaardigheid; en
 - (dd) aan die lynbestuurder 'n geleentheid te bied om persoonlike wisselwerking met die aansoekers te hê.
- (iii) Die onderhoude en/of vrae moet berus op bekwaamhede wat deur die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, bepaal is.
- (b) Evaluerings:
 - (i) Evalueringstoetse moet deur opgeleide evalueerders gedoen word.
 - (ii) Die evalueringsproses moet bekwaamheidsgebaseer wees en kan die volgende toetse insluit:
 - (aa) konvensionele evalueringsentrumoefeninge;
 - (bb) psigometriesse toetse;
 - (cc) mediese toetse; en
 - (dd) werkvoorbeelde.
- (8) Die nakeuringsfase bestaan uit –
 - (a) veiligheidskeuring, wat te eniger tyd gedurende die keuringsproses kan begin;
 - (b) Keurings- en Aanstellingsraad:
 - (i) 'n Keurings- en Aanstellingsraad moet saamgestel word in die onderskeie Intelligensiedienste of die Akademie, na gelang van die geval: Met dien verstande dat die Minister kan bepaal dat 'n Keurings- en Aanstellingsraad ingestel kan word vir 'n bestedingsentrum in die Agentskap, bestaande uit –
 - (aa) die hoof verantwoordelik vir die mensehulpbronsfunksie;
 - (bb) die senior bestuurder verantwoordelik vir die koördinering van mensehulpbronne in die bestedingsentrum waarvoor die kandidaat oorweeg word, waar van toepassing;
 - (cc) die Hoof of 'n aangewese lid verantwoordelik vir Interne Veiligheid;

- (dd) die bestuurder van die pos wat gevul moet word;
 - (ee) 'n lid wat deur die Raad as voorsitter aangewys word; en
 - (ff) die voorsitter van die Personeelraad.
- (ii) Die werksaamhede van die Raad is om –
- (aa) alle keuringsevaluerings van die evalueringspaneel te ontvang;
 - (bb) aanbevelings of bevindings van die verskillende evalueringseenhede wat die evaluering gedoen het, te konsolideer;
 - (cc) die aanbevelings te evalueer en om die suksesvolle kandidaat te keur in ooreenstemming met vereistes en maatstawwe wat vir die pos gestel is;
 - (dd) om die aansoeker in te lig met betrekking tot die diensvoorwaardes van toepassing op die Intelligensiedienste of die Akademie, na gelang van die geval.
- (iv) Die Raad moet redes vir sy besluit en/of aanbevelings aanteken en aan die Minister, die Direkteur-generaal of die Hoof-Uitvoerende Beampte, na gelang van die geval, voorlê.

8. AANSTELLINGS

- (1) Die Minister, die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, moet 'n aanstelling doen nadat hy of sy hom of haar daarvan vergewis het dat die aansoeker voldoen aan al die vereistes en maatstawwe wat vir die pos gestel is, en soos deur die Keurings- en Aanstellingsraad aanbeveel.
- (2) Waar die Minister, die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, nie die aanbeveling van die Raad aanvaar nie, moet hy of sy die redes daarvoor skriftelik aanteken.
- (3) Die Minister, die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, kan op uitnodiging in buitengewone omstandighede 'n persoon buite die proses in regulasie 7 beoog aanstel. Buitengewone omstandighede beteken –
 - (a) herontplooiing om persoonlike omstandighede op te los, oortolligheidsituasies of 'n lid wat van 'n plasing in die buiteland terugkeer;
 - (b) aanstelling in 'n nuwe of ander betrekking waar sodanige aanstelling deel van 'n proses van herstrukturering uitmaak: Met dien verstande dat herontplooiing en/of aanstelling in 'n nuwe betrekking na oorleg met die betrokke lid gefinaliseer moet word;

- (c) oorplasing na 'n vakante pos met die oog op voldoening aan vereistes vir diensbillikheid;
- (d) die verkryging van 'n bepaalde persoon met skaars vaardighede wat nie geredelik in die Intelligensiedienste of die Akademie, na gelang van die geval, beskikbaar is nie;
- (e) kontrakaanstelling in regulasie 12 beoog, om in 'n bepaalde behoefte te voorsien; en
- (f) waar die Minister, die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, oortuig is dat sodanige aanstelling in belang van die Intelligensiedienste of die Akademie, na gelang van die geval, kan wees.

9. SEKONDERING

- (1) Die Minister, die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, kan, op sodanige voorwaardes as wat hy of sy bepaal en met die instemming van 'n lid, sodanige lid vir 'n bepaalde diens en/of vir 'n tydperk na 'n ander staatsdepartement, enige entiteit of die Intelligensiedienste of die Akademie onder die beheer van die Minister sekondeer.
- (2) Die ontvangende staatsdepartement of entiteit of die Intelligensiedienste of die Akademie onder sy of haar beheer moet die inklusiewe koste van sekondering dra, tensy die ooreenkoms anders bepaal.

10. WAARNEMING IN 'N HOËR BESTUURSPOS

- (1) Die Minister, die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, kan 'n lid aanstel om in 'n hoër bestuurspos waar te neem.
- (2) 'n Lid in 'n pos een vlak laer as die vakante pos of op 'n gelykwaardige vlak as die vakante pos of op 'n hoër vlak as die vakante pos kan deur die Minister, die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, aangestel word om in 'n bestuurspos waar te neem vir 'n tydperk van hoogstens 12 maande.
- (3) Die Minister, die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, kan 'n lid op 'n laer vlak aanstel om in 'n bestuurspos waar te neem: Met dien verstande dat –
 - (a) 'n geskikte lid in 'n pos in regulasie 10(2) bedoel, nie beskikbaar is nie, en
 - (b) so 'n aanstelling vir 'n tydperk van hoogstens drie maande is.
- (4) Die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, moet so 'n lid vergoed vir die waarneming in 'n hoër vakante bestuurspos (poste op vlak M) in die vorm van 'n toelae indien die tydperk van waarneming langer as 44 opeenvolgende werkdade is soos in Hoofstuk VII bedoel.
- (5) 'n Lid mag nie in meer as een pos op 'n slag waarneem nie.

11. EKSTERNE OORPLASINGS

Die Minister, die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, moet alle eksterne oorplasings goedkeur, insluitende oorplasings van een Intelligensiediens na 'n ander of na die Akademie en omgekeerd, na gelang van die geval: Met dien verstande dat oorplasings op grond van die openbare belang net deur die Minister goedgekeur mag word.

12. AANSTELLING VAN KONTRAKWERKERS

- (1) 'n Kontrak moet gesluit word tussen die persoon en die Intelligensiedienste of die Akademie, na gelang van die geval.
- (2) Die dienskontrak moet al die bepalings en voorwaardes van aanstelling bepaal.

13. HERAANSTELLING VAN GEWESE LEDE

Die Minister, die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, mag 'n gewese lid nie as 'n lid heraanstel nie indien –

- (a) hy of sy die Intelligensiedienste of die Akademie, na gelang van die geval, voor die formele aftree-ouderdom verlaat het op voorwaarde dat hy of sy nie heraanstelling sal versoek of aanvaar nie;
- (b) hy of sy 'n uittreepakket aanvaar het op voorwaarde dat hy of sy nie heraanstelling sal versoek of aanvaar nie;
- (c) die oorspronklike gronde vir diensbeëindiging swaarder weeg as die behoefte of versoek vir heraanstelling; of
- (d) die gewese lid die Intelligensiedienste of die Akademie, na gelang van die geval, verlaat het as gevolg van swak gesondheid en nie onlangse en afdoende mediese bewys van herstel kan lewer nie.

14. PROEF

- (1) Alle nuwe aanstellings in die Intelligensiedienste of die Akademie, na gelang van die geval, insluitende oorplasings van ander staatsdepartemente of openbare entiteite, is onderhewig aan 'n proeftydperk van 12 maande, behalwe dat –
 - (a) die Minister, die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, 'n persoon wat na die Intelligensiedienste of die Akademie, na gelang van die geval, oorgeplaas word van enige staatsorgaan, kan vrystel indien die betrokke persoon onmiddellik voor die oorplasing in 'n permanente hoedanigheid in daardie staatsorgaan gedien het; en
 - (b) – die proeftydperk van nuut aangestelde leerlingtegnici gelyk moet wees aan die minimum tydperk wat nodig is om die minimum opvoedkundige kwalifikasies te behaal of om die tegniese opleiding te voltooi wat deur die Intelligensiedienste of die Akademie, na gelang van die geval, vereis word.

- (2) Die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, kan 'n proeftydperk met 'n maksimum van ses maande verleng indien hy of sy rede het om te glo dat dit in belang van die betrokke Intelligensiediens of die Akademie, na gelang van die geval, sal wees om dit te doen, ooreenkomstig Hoofstukke XVIII en IX.
- (3) 'n Lid se permanente aanstelling kan deur die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, bevestig word indien die hoofbestuurder van 'n lid op proef sertifiseer dat die lid gedurende die proeftydperk of verlengde proeftydperk voldoen het aan die voorwaardes en vereistes van die betrokke Intelligensiediens of die Akademie, na gelang van die geval.
- (4) 'n Hoofbestuurder van 'n lid op proef moet verseker dat –
 - (a) die lid, by die begin van die proeftydperk, weet wat die prestasie- en ander vereistes vir bekragtiging van aanstelling is;
 - (b) die lid op 'n kwartaalbasis skriftelike terugvoer kry oor sy of haar prestasie en voldoening aan ander vereistes;
 - (c) indien nodig, die lid opleiding, berading of ander bystand ontvang om aan die vereistes vir bekragtiging te voldoen;
 - (d) die lid aan die einde van die proeftydperk skriftelike bekragtiging van aanstelling ontvang indien hy of sy geskik bevind is vir die betrokke pos; en
 - (e) die lid, behoudens 'n prosedure in Hoofstukke XVIII tot XX, bedoel, wanneer ontslag oorweeg word as gevolg van wangedrag, swak prestasie of mediese ongeskiktheid, die geleentheid gebied word om sy of haar saak te stel, tydens welke proses die lid deur 'n verteenwoordiger bygestaan kan word: Met dien verstande dat so 'n verteenwoordiger 'n lid van die Intelligensiedienste of die Akademie, na gelang van die geval, moet wees en die reg het om te aanvaar of te weier om dit te doen.

15. DIENSBĚEINDIGING

- (1) Die diens van 'n lid van die Intelligensiedienste of die Akademie, na gelang van die geval, kan beëindig word by –
 - (a) die aftrede van die lid;
 - (b) die bedanking of vrywillige aflegging van die lid;
 - (c) dood;
 - (d) die niebekragtiging van 'n proefaanstelling, of omrede
 - (e) wangedrag;
 - (f) mediese ongeskiktheid;
 - (g) swak prestasie;

- (h) operasionele vereistes;
 - (i) openbare belang;
 - (j) afwesigheid sonder die toestemming van die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, vir 'n tydperk van meer as 14 opeenvolgende dae;
 - (k) afwesigheid as gevolg van ander diens;
 - (l) veiligheidsoorwegings;
 - (m) aanstigting van of deelname aan 'n staking;
 - (n) gevangenisstraf sonder die keuse van 'n boete; of
 - (o) versuim om aan proefvereistes te voldoen.
- (2) Die Minister moet kennis neem van die aftrede, bedanking of vrywillige aflegging van Adjunk-direkteur(s)-generaal, Assistent-direkteur(s)-generaal, hoofbestuurders en bestuurders of beamptes in gelykwaardige poste.
- (3) Tensy die Minister, die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, anders bepaal, mag die bedanking van 'n lid ten opsigte van wie enige verhoor, ondersoek of verrigtinge wat kragtens die Wet en hierdie Regulasies ingestel is hangende is, nie voor die afhandeling van die verhoor, prosedure of ondersoek van krag word nie. Indien 'n lid bedank, kan die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, die bedanking as 'n ontslag beskou.
- (4) 'n Lid kan vrywillig bedank as hy of sy minstens 30 kalenderdae skriftelike kennis van die voorneme om te bedank aan die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, gegee het: Met dien verstande dat –
- (a) die kennistydperk deur die Minister, die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, verkort kan word op versoek van die lid; of
 - (b) die Minister, die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, die lid se bedanking te eniger tyd voor die verstryking van die kennistydperk kan aanvaar sonder verlies van enige diensverwante voordele waarop die lid geregtig sou gewees het tot aan die einde van die kennistydperk.

16. PROSEDURE VAN TOEPASSING OP LEDE OP PROEF

Die prosedure in Hoofstuk XVIII bedoel, is van toepassing op lede op proef in die geval van dissiplinêre prosedure en dié in Hoofstuk XIX in die geval van swak prestasie.

17. DIENSVERLATINGSONDERHOUE

- (1) Die struktuur verantwoordelik vir mensehulpbronne moet diensverlatingsonderhoude voer met alle lede wat die diens verlaat: Met dien verstande dat die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, enige ander struktuur kan aanwys om aan die onderhoude deel te neem.
- (2) Die inligting wat tydens die diensverlatingsonderhoude ingesamel word, moet gebruik word vir die hantering van probleme rakende personeelomset en, waar toepaslik, vir veiligheidsdoeleindes.
- (3) Waar omstandighede dit vereis, kan die paneel wat die diensverlatingsonderhoud voer, verteenwoordiging van die struktuur verantwoordelik vir interne veiligheid insluit.

18. REKORDS VAN LEDE

Die Intelligensiedienste of die Akademie, na gelang van die geval, moet rekords hou van elke lid en elke pos op die goedgekeurde diensstaat in ooreenstemming met die veiligheids- en vertroulikheidsvereistes uitgereik deur die Minister asook die bepalings van die Wet op die Nasionale Argief van Suid-Afrika, 1996 (Wet 43 van 1996).

HOOFSTUK VI

WERWING EN OPLEIDING VAN KADETTE

1. DOEL

Die doel van hierdie Hoofstuk is om –

- (a) die vereistes en prosedures vir die werwing en plasing van kadette in die Intelligensiedienste of die Akademie, na gelang van die geval, te spesifiseer;
- (b) die opleidingstydperk van kadette in die Akademie of ander erkende opleidingsinstellings te spesifiseer, en
- (c) die voorwaardes te spesifiseer wat van toepassing is op kadette wat in die Intelligensiedienste of die Akademie, na gelang van die geval, geplaas is.

2. WERWING

- (1) Die werwing van kadette moet gedoen word by inrigtings vir hoër onderwys soos omskryf in die Wet op Hoër Onderwys, 1997 (Wet 101 van 1997).
- (2) Die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, kan in buitengewone omstandighede 'n beperkte getal kadette regstreeks van hoër skole werf: Met dien verstande dat gewerfde kadette in Graad 12 is.
- (3) Die Hoof- Uitvoerende Beampte moet 'n Komitee instel wat vir die keuring van kadette verantwoordelik is, bestaande uit –
 - (a) die Adjunkthoof van die Akademie;
 - (b) die senior bestuurder wat 'n mensehulpbronfunksie verrig in die Intelligensiedienste, die Akademie of 'n bestedingsentrum, na gelang van die geval;
 - (c) die betrokke hoofbestuurders wat die lynfunksie verteenwoordig;
 - (d) 'n lid van die Ministerie verantwoordelik vir openbare skakeling;
 - (e) 'n senior bestuurder verantwoordelik vir opleiding.
- (5) Die Intelligensiedienste of die Akademie, na gelang van die geval, kan studiebeurse beskikbaar stel aan gewerfde kadette, in omstandighede deur die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, bepaal en in Hoofstuk XIV beoog.
- (6) Die reëls van toepassing op studiebeurse vir lede van die Intelligensiedienste of die Akademie, na gelang van die geval, is op kadette van toepassing.

3. EVALUERING

- (1) Kadette moet voor plasing in die Akademie tersaaklike evalueringstoetse en oefeninge ondergaan om hulle geskiktheid vir plasing in die Akademie te bepaal.
- (2) Die Hoof- Uitvoerende Beamppte kan, na oorleg met die Intelligensiedienste en die NKS, direktewe uitreik oor die evalueringsprogramme vir kadette.

4. TOELATING TOT DIE AKADEMIE

- (1) Die Hoof- Uitvoerende Beamppte kan direktewe uitreik oor die –
 - (a) kwalifiserende vereistes waaraan elke student moet voldoen vir toelating tot die Akademie;
 - (b) opleidingskurrikulum en tersaaklike leerderskapprogramme vir kadette;
 - (c) duur van die opleidingsprogram vir kadette.
- (2) Geen kadet mag sonder 'n veiligheidkeuringertifikaat by die Akademie geplaas word nie tensy die Minister 'n tydelike klaringertifikaat uitgereik het in ooreenstemming met artikel 14(6) van die Wet.

5. DIENSVORWAARDES

- (1) Alle kadette moet gedurende die opleidingstydperk op kontrak in diens geneem word: Met dien verstande dat die bepalings en voorwaardes van die kontrak deur die Minister bepaal word na konsultasie met die Direkteur-generaal en die Hoof- Uitvoerende Beamppte.
- (2) 'n Kadet mag nie 'n lid van 'n vakbond wees nie.
- (3) 'n Kadet is nie 'n lid soos in die Wet omskryf nie.

6. PERMANENTE DIENS EN PLASING

- (1) 'n Kadet kan in die Intelligensiedienste of die Akademie, na gelang van die geval, aangestel word na suksesvolle voltooiing van die leerderskapprogram.
- (2) Vir permanente aanstelling in die Intelligensiedienste of die Akademie, na gelang van die geval, moet 'n kadet voldoen aan die vereistes vir werwing, keuring en aanstelling in Hoofstuk V beoog.
- (3) Vir doeleindes van plasing moet 'n kadet bekwaamheidsevalueringstoetse en 'n veiligheidskeuringsondersoek suksesvol ondergaan het ooreenkomstig die bepalings van Hoofstuk V.
- (4) Die Hoof- Uitvoerende Beamppte moet 'n Keuringsraad instel om die verskillende evalueringsverslae te oorweeg, insluitende die leerderskapresultate, wat bestaan uit –

- (a) Adjunk-direkteurs-generaal verantwoordelik vir die kern- en mensehulpbronsfunksie in die Intelligensiedienste, die Akademie of 'n bestedingsentrum, na gelang van die geval;
- (b) die Adjunkhoof van die Akademie;
- (c) hoofbestuurders verantwoordelik vir die betrokke kernfunksies en mensehulpbronne;
- (d) die voorsitter van die Personeelraad.

7. DIENSVERLATINGSPROSEDURE

- (1) 'n Kadet wat nie –
 - (a) aan die vereistes vir aanstelling in die Intelligensiedienste of die Akademie, na gelang van die geval, voldoen nie;
 - (b) die voorgeskrewe kursusse aan die Akademie suksesvol voltooi nie; of
 - (c) vir plasing in 'n spesifieke pos in die Intelligensiedienste of die Akademie, na gelang van die geval, kwalifiseer nie,

kan soos volg geplaas word:

- (i) in die staatsdiens;
- (ii) in 'n ander instelling bepaal deur die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval; of
- (iii) in 'n dekkingsomgewing op kontrak:

Met dien verstande dat indien 'n kadet nie aan die akademiese maatstawwe vir toelating voldoen nie, hy of sy binne 'n tydperk van een jaar vir die kadetprogram moet herregistreer.

- (2) Ondanks die bepalinge van regulasie 7(1) kan die Hoof- Uitvoerende Beampte die kontrak beëindig van 'n kadet wat nie aan die vereistes in regulasie 7(1) beoog voldoen nie, of ingevolge Hoofstuk XVIII of XIX volgens prosedures van toepassing op lede op proef of ingevolge Hoofstuk XX.
- (3) Die Hoof- Uitvoerende Beampte kan 'n kadet se versoek vir die beëindiging van die kontrak aanvaar.

8. PROEF

Na aanstelling van 'n kadet as 'n lid in die Intelligensiedienste of die Akademie, na gelang van die geval, is hy of sy op proef vir 'n tydperk van 12 maande ooreenkomstig die bepalinge van Hoofstuk V.

HOOFSTUK XXIII

VETERANEVERENIGING

1. DOEL

Die doel van hierdie Hoofstuk is om 'n regulerende raamwerk daar te stel vir die stigting van 'n Veteranevereniging vir gewese lede wat die Vereniging wil dien.

2. TOEPASSING VAN DIE REGULASIE

- (1) Die stigting van 'n Veteranevereniging moet geskied volgens die beginsel van die "Lewenslange Intelligensiebeampte".
- (2) Die Veteranevereniging moet die belange van sy lede op nasionale vlak verteenwoordig.
- (3) Die Veteranevereniging, die Intelligensiedienste en die Akademie moet 'n hegte verhouding met mekaar vestig en in stand hou.
- (4) Die Veteranevereniging moet kameraadskap en sosiale belange onder die lede van die Vereniging bevorder.
- (5) Die Veteranevereniging mag nie teen enige lid van die Vereniging op een of meer gronde diskrimineer nie, met inbegrip van ras, geslagtelikheid, geslag, huwelikstaat, etniese of sosiale herkoms, kleur, seksuele georiënteerdheid, ouderdom, gestremdheid, godsdienst, MIV-status, gewete, oortuiging, politieke mening, kultuur of taal.

3. HOOFKWARTIER

Die setel van die hoofkwartier van die Veteranevereniging moet deur die Uitvoerende Komitee beoog in regulasie 9 bepaal word.

4. TAAL

- (1) Engels is die amptelike taal van die Veteranevereniging.
- (2) Geaffilieerde groepe kan besluit watter taal of tale hulle binne die groepe gebruik: Met dien verstande dat alle korrespondensie in Engels geskied.

5. BESKERMHEER OF -VROU

Die Minister of iemand deur die Minister gedelegeer, tree as die beskermheer of -vrou van die Veteranevereniging op.

6. LIDMAATSKAP OF AFFILIASIE

- (1) Lidmaatskap van die Veteranevereniging is vrywillig.

- (2) 'n Gewese lid van die Intelligensiedienste of die Akademie, na gelang van die geval, of die weduwee of wewenaar van 'n afgetrede lid of groepe afgetrede lede kan lidmaatskap verkry sonder enige liggingsbeperking, hetsy binne of buite die Republiek van Suid-Afrika: Met dien verstande dat sodanige gewese lid nie uit die Intelligensiedienste of die Akademie, na gelang van die geval, ontslaan is weens wangedrag soos beoog in Hoofstuk XVIII of swak prestasie soos beoog in Hoofstuk XIX nie.
- (3) Lidmaatskap of affiliasie kan aan individue en groepe verleen word wat skriftelik by die Raad van die Veteranevereniging daarom aansoek doen.
- (4) Minstens tien gewese lede van die Intelligensiedienste of die Akademie, na gelang van die geval, wat aan die vereistes van subregulasie (2) voldoen, kan as groep by die Veteranevereniging affilieer.
- (5) Indien gewese lede, ongeag die rede, verkies om hulle nie by 'n geaffilieerde groep aan te sluit nie, moet die Vereniging hulle as lede akkommodeer: Met dien verstande dat—
 - (a) hulle voldoen aan die vereistes van subregulasie (2);
 - (b) sodanige lede aanvaar dat hulle hulle daardeur die sosiale samesyn en ondersteuning ontsê wat kenmerkend van geaffilieerde groepe is; en
 - (c) hulle nie stemreg op die algemene jaarvergadering of enige spesiale algemene vergadering het nie.

7. **BEËINDIGING VAN LIDMAATSKAP**

Lidmaatskap van 'n geaffilieerde groep of as 'n assosiaatlid kan beëindig word na verloop van 'n kennistydperk van 30 agtereenvolgende dae indien—

- (a) die betrokke geaffilieerde groep of individu sy of haar lidmaatskap skriftelik beëindig op 'n datum voor die datum waarop die affiliasie- of ledegeld betaalbaar word;
- (b) 'n geaffilieerde groep of 'n individu voortdurend versuim om sy of haar affiliasie- of ledegeld te betaal ná 'n skriftelike aanmaning deur die Nasionale Raad;
- (c) 'n nuut geregistreerde geaffilieerde groep of individu versuim om sy of haar affiliasie- of ledegeld te betaal;
- (d) daar ná 'n ondersoek bevind is dat die Vereniging dermate oneer aangedoen of in die verleentheid gestel is deur die gedrag van 'n geaffilieerde groep of 'n individuele lid dat die oogmerke van die Vereniging benadeel is.

8. **AFFILIASIE- OF LEDEGELD**

- (1) Die affiliasiegeld vir geaffilieerde groepe en ledegeld vir individue moet jaarliks op 'n algemene vergadering vasgestel word. Assosiaatlde moet individueel geëvalueer word op dieselfde grondslag as lede van geaffilieerde groepe, en gelde is vooruit betaalbaar.

- (2) Dit is die verantwoordelikheid van die Nasionale Raad om die affiliasie-/ledegeld jaarliks te hersien.

9. SAMESTELLING VAN VETERANEVERENIGING

(1) Nasionale Raad

- (a) Die Vereniging word beheer en bestuur deur 'n Nasionale Raad wat bestaan uit—

(i) 'n voorsitter;

(ii) 'n ondervoorsitter;

(iii) 'n sekretaris;

(iv) 'n tesourier;

(v) die voorsitter van elke geaffilieerde groep (*ex officio*-lede);

(vi) hoogstens twee gekoöpteerde lede, wat lede van die Vereniging moet wees;

■ 'n bestuurder, wie se verantwoordelikhede die Veteranevereniging in die Intelligensiedienste insluit.

- (b) Die verkiesingsprosedures is soos volg:

(i) Kennis van die algemene jaarvergadering, met vermelding van die datum, tyd en plek daarvan, moet minstens drie maande voor die vergadering aan geaffilieerde groepe en assosiaatlade gegee word.

(ii) Die kennisgewing moet 'n nominasievorm insluit.

(iii) Ná ontvangs van die kennisgewing moet geaffilieerde groepe hulle eie algemene jaarvergadering reël, wat minstens 30 agtereenvolgende dae voor die algemene jaarvergadering van die Vereniging moet plaasvind.

(aa) Kandidate moet vir die onderskeie ampte genomineer word op 'n wyse waarop die geaffilieerde groep self besluit.

(bb) Die genomineerdes moet hulle nominasie skriftelik aanvaar en dit moet die sekretaris van die Nasionale Raad nie later nie as vier agtereenvolgende dae voor die datum van die algemene jaarvergadering bereik.

(cc) Alle geldige nominasies vir die verkiesing van die onderskeie ampte moet aan die algemene jaarvergadering voorgelê word en die verkiesing van die lede van die Nasionale Raad geskied by wyse van geheime stembriewe.

(2) Uitvoerende Komitee

- (a) Die Uitvoerende Komitee word deur die Nasionale Raad verkies en bestaan uit 'n voorsitter, 'n ondervoorsitter, 'n sekretaris, 'n tesourier en 'n addisionele lid.
- (b) Die Uitvoerende Komitee is verantwoordelik vir die doeltreffende daaglikse funksionering van die Vereniging. Sy werksaamhede sluit in om algemene navrae te hanteer, lidmaatskapsaansoeke te verwerk en goedkeuring aan die tesourier van die Nasionale Raad te verleen vir lopende uitgawes.
- (c) Die Uitvoerende Komitee kan namens die Raad optree wat die daaglikse bestuur van die Vereniging betref. Met dien verstande dat die Komitee oor alle besluite wat geneem word, aan die Raad verslag doen.

10. WERKSAAMHEDE VAN DIE NASIONALE RAAD

Die Nasionale Raad is verantwoordelik vir—

- (a) die jaarbeplanning;
- (b) die bereiking van die oogmerke van die Vereniging;
- (c) die verwesenliking van die doelstellings en die uitvoering van die opdragte waarop besluit word op die algemene jaarvergadering;
- (d) die skriftelike kommunikasie van besluite en opdragte aan alle geaffilieerde lede;
- (e) gereelde vergaderings;
- (f) die hou van behoorlike rekords van alle besluite geneem op sulke vergaderings;
- (g) die werf van donasies en die invordering van affiliasie-/ledegeld, en die hou van behoorlike rekords van alle inkomste en uitgawes volgens gesonde finansiële beginsels en soos van tyd tot tyd deur die Minister bepaal.

11. GEAFFILIEERDE GROEPE

Geaffilieerde groepe moet die algemene welsyn en groepsgees van hulle lede bevorder, met inbegrip van aandag aan sosiale behoeftes en enige ander behoefte wat uit siekte of persoonlike omstandighede voortspruit. Daarbenewens moet hulle in 'n gees van samewerking ander geaffilieerde groepe en die Raad van die Vereniging ondersteun.

12. ONTBINDING VAN VERENIGING

- (1) Die algemene jaarvergadering of 'n spesiale algemene vergadering kan, indien dit belê en gekonstitueer is vir hierdie doel, met 'n meerderheidstem die Vereniging ontbind en oor sy bates beskik.

- (2) Indien 'n algemene jaarvergadering of 'n spesiale algemene vergadering nie byeengeroep kan word nie, kan die Raad byeengeroep word, en indien die Raad versuim om te vergader, kan die Uitvoerende Komitee namens die Raad 'n kennisgewing aan alle geaffilieerde groepe rig waarin die voorneme om die Vereniging te ontbind en die redes daarvoor uiteengesit word. Sodanige kennisgewing moet vergesel gaan van stembriewe om die lede in staat te stel om oor die aangeleentheid te stem.
- (3) 'n Datum van minstens 21 agtereenvolgende dae, bereken vanaf die datum waarop die kennisgewing gepos of andersins uitgereik is, moet gestel word as die keurdatum vir die terugontvangs van stembriewe. Indien die meerderheid van die terugontvangde stemme ten gunste van die ontbinding is, kan die Raad of die Uitvoerende Komitee, na gelang van die geval, die Vereniging ontbind nadat al sy skulde vereffen is.
- (4) Die Nasionale Raad en/of die Uitvoerende Komitee, na gelang van die geval, moet besluit hoe om oor enige oorblywende fondse of bates van die Vereniging te beskik en die geaffilieerde lede moet dienoreenkomstig in kennis gestel word.

13. **VERANTWOORDELIKHEID VAN DIE INTELLIGENSIEDIENSTE EN DIE AKADEMIE VIR DIE VERENIGING**

- (1) Die Intelligensiedienste en die Akademie moet op 'n maandelikse grondslag 'n bedrag tot die Vereniging bydra ten einde hom in staat te stel om sy dienste te lewer.
- (2) Die Uitvoerende Komitee van die Vereniging moet genooi word om die jaareindgeselligheid van die Intelligensiedienste en die Akademie by te woon.
- (3) Die Minister kan 'n geselligheid vir die lede van die Vereniging aanbied.

HOOFSTUK XXIV**BEPERKINGS OP GEWESE LEDE****1. DOEL**

Die doel van hierdie Hoofstuk is om die wyse te reël waarop enige gewese lid van die Intelligensiedienste of die Akademie, na gelang van die geval, kan aansoek doen om—

- (a) toestemming om geklassifiseerde inligting openbaar te maak kragtens die Wet; en/of
- (b) 'n klaringsertifikaat wat toestemming verleen vir diens in die private sekuriteitsbedryf.

2. VERTROUOLIKHEID

Geen persoon wat as gevolg van 'n aansoek of 'n appèl kragtens hierdie Hoofstuk in besit kom van inligting, mag daardie inligting openbaar maak nie tensy—

- (a) die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, toestemming vir sodanige openbaarmaking gegee het; of
- (b) sodanige openbaarmaking deur die Wet, hierdie Hoofstuk of 'n hofbevel gemagtig is.

3. AANSOEK OM TOESTEMMING OM GEKLASSIFISEERDE INLIGTING OPENBAAR TE MAAK**(1) Aansoek**

- (a) 'n Gewese lid wat kragtens die Wet aansoek doen om toestemming om geklassifiseerde inligting openbaar te maak, moet dit doen in die vorm van vorm 1 vervat in Aanhangsel A.
- (b) Die aansoek moet onder meer die volgende bevat:
 - (i) besonderhede van die geklassifiseerde inligting wat die onderwerp van die aansoek is;
 - (ii) die redes vir die openbaarmaking van die inligting;
 - (iii) die doel waarvoor die inligting gebruik sal word;
 - (iv) besonderhede van enige persoon wat die inligting kan ontvang;
 - (v) die wyse waarop die inligting openbaar gemaak sal word.
- (c) Indien die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, van mening is dat hy of sy in die aansoek van onvoldoende inligting voorsien is, kan hy of sy—

- (i) die aansoek verwerp; of
- (ii) verdere skriftelike inligting aanvra.

(2) Aanhoor van aansoek

- (a) Die Direkteur-generaal of die Hoof- Uitvoerende Beamppte, na gelang van die geval, kan na goeddunke die gewese lid versoek om te verskyn by 'n aanhoorsitting belê vir die doel om die aansoek te oorweeg.
- (b) Die Direkteur-generaal of die Hoof- Uitvoerende Beamppte, na gelang van die geval, moet die datum en plek van die aanhoorsitting bepaal.
- (c) Die gewese lid kan die aanhoorsitting bywoon, maar op sy of haar eie koste.
- (d) Indien die gewese lid versuim of weier om die aanhoorsitting by te woon nadat hy of sy deur die Direkteur-generaal of die Hoof- Uitvoerende Beamppte, na gelang van die geval, kragtens paragraaf (a) versoek is om dit te doen, kan die Direkteur-generaal of die Hoof- Uitvoerende Beamppte, na gelang van die geval, sy of haar besluit neem op grond van die beskikbare inligting.

(3) Besluit en rekord van aanhoorsitting

- (a) Die Direkteur-generaal of die Hoof- Uitvoerende Beamppte, na gelang van die geval, moet 'n besluit neem binne 'n tydperk van hoogstens 30 agtereenvolgende dae na ontvangs van die aansoek.
- (b) Die Direkteur-generaal of die Hoof- Uitvoerende Beamppte, na gelang van die geval, moet die gewese lid skriftelik van sy of haar besluit in kennis stel binne 'n tydperk van 20 agtereenvolgende dae nadat die besluit geneem is.
- (c) Die besluit van die Direkteur-generaal of die Hoof- Uitvoerende Beamppte, na gelang van die geval, vergesel van 'n rekord van die aanhoorsitting, moet aan die gewese lid wat aansoek gedoen het, verskaf word. Die kennisgewing van die besluit moet insluit—
 - (i) die naam en adres van die gewese lid;
 - (ii) 'n kort beskrywing van die aansoek;
 - (iii) indien die aansoek goedgekeur word, die voorwaardes waarop toestemming verleen word, wat moet insluit—
 - (aa) die wyse van openbaarmaking;
 - (bb) die inligting wat openbaar gemaak mag word;
 - (cc) aan wie die inligting openbaar gemaak mag word;
 - (iv) die datum van die besluit;
 - (v) indien die aansoek onsuksesvol was, die rede(s) vir die Direkteur-generaal of die Hoof- Uitvoerende Beamppte, na gelang van die geval, se besluit;

- (vi) vermelding van die reg van die gewese lid om na die Minister te appelleer teen die besluit van die Direkteur-generaal of die Hoof-Uitvoerende Beampte, na gelang van die geval, of die voorwaardes gestel.
- (d) Die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, moet rekord hou van alle aansoeke wat by hom of haar gedoen word en van die besluite wat hy of sy geneem het.

4. AANSOEK OM 'N KLARINGCERTIFIKAAT VIR DIENS IN DIE PRIVATE SEKURITEITSBEDRYF

(1) Aansoek

- (a) 'n Gewese lid wat aansoek doen om 'n klaringsertifikaat om 'n sekuriteitsdiens te lewer, moet dit doen in die vorm van vorm 2 vervat in Aanhangsel A.
- (b) Die aansoek moet die volgende bevat:
 - (i) 'n Beskrywing in besonderhede van die aard van die diens wat gelewer sal word;
 - (ii) die vaardighede, kennis of inligting verkry terwyl die gewese lid in diens van die Intelligensiedienste of die Akademie, na gelang van die geval, was wat deur hom of haar gebruik kan word in die lewering van die beoogde diens;
 - (iii) besonderhede van die persoon of persone, as daar is, in wie se diens hy of sy sal staan;
 - (iv) besonderhede van die onderneming, indien enige, wat hy of sy voornemens is om te begin;
 - (v) die persoon of persone aan wie die beoogde diens gelewer sal word.

(2) Besluit

- (a) Die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, moet 'n besluit neem binne 'n tydperk van hoogstens 30 agtereenvolgende dae vanaf ontvangs van die aansoek.
- (b) Indien die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, van mening is dat die inligting wat verstrekkend is, onvoldoende is, kan hy of sy verdere inligting aanvra.
- (c) Die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, moet die gewese lid binne 20 agtereenvolgende dae nadat hy of sy 'n besluit geneem het, skriftelik van sy of haar besluit in kennis stel, asook van die gewese lid se reg om na die Minister te appelleer.

5. APPÈLLE**(1) Reg op appèl**

- (a) 'n Gewese lid kan na die Minister appelleer teen 'n besluit van die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, kragtens regulasie 3 of 4.
- (b) Die appèl moet binne 30 agtereenvolgende dae vanaf ontvangs van die besluit van die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, by die Minister aangeteken word.

(2) Appèlformaat

- (a) 'n Appèl teen 'n besluit van die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, moet aangeteken word in die vorm van vorm 3 vervat in Aanhangel A.
- (b) Die appèlformaat moet die toepaslike feite, asook die appèlgronde, bondig uiteensit.
- (c) 'n Appèl teen 'n besluit van die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, moet vergesel gaan van die rekord van die aanhoorsitting bedoel in regulasie 3.
- (d) Die appèl moet aan die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, beteken word.
- (e) Die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, moet binne 20 agtereenvolgende dae vanaf ontvangs van die appèl al die toepaslike dokumente deurstuur aan die Minister en die gewese lid wat aansoek gedoen het.
- (f) Die gewese lid kan sy of haar appèl aanvul binne 'n tydperk van 14 agtereenvolgende dae vanaf ontvangs van die dokumente bedoel in paragraaf (e).

(3) Besluit van die Minister

Die Minister handel die appèl af deur die gewese lid wat aansoek gedoen het en die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, skriftelik in kennis te stel van sy of haar besluit.

VORM 1

AANHANGSEL A

AANSOEK DEUR 'N GEWESE LID VAN DIE INTELLIGENSIEDIENSTE OF DIE AKADEMIE OM TOESTEMMING OM GEKLASSIFISEERDE INLIGTING OPENBAAR TE MAAK

Aansoek kragtens artikel 27 van die Wet, gelees met Hoofstuk XXIV

'n Gewese lid van die Intelligensiedienste of die Akademie kan by die Direkteur-generaal of die Hoof- Uitvoerende Beampte aansoek doen om oorweging van 'n aansoek om toestemming om geklassifiseerde inligting openbaar te maak. Die gewese lid moet hierdie vorm invul en aan die betrokke Direkteur-generaal of Hoof- Uitvoerende Beampte stuur:

Vul hierdie vorm volledig in. Indien u meer ruimte nodig het om die vrae te beantwoord, kan u u antwoorde op 'n afsonderlike vel papier verstrek en dit aan hierdie vorm vasheg.

1. Persoonlike inligting

1.1 Naam _____

1.2 Personeelnommer _____

1.3 Adres _____

1.4 Tel.no. (h) _____

1.5 Tel.no. (w) _____

1.6 Selfoonno. _____

1.7 Faksno. _____

2. Werkgeskiedenis by Intelligensiedienste en/of Akademie

2.1 Naam van werkgewer _____

2.2 Direktooraat/Afdeling/Eenheid _____

2.3 Beroepsgroep _____

2.4 Hoogste posvlak bereik _____

2.5 Naam van onmiddellike toeshouer _____

2.6 Datum van diensaanvaarding _____

2.7 Datum van diensbeëindiging _____

Vorm1

3. Aard van geklassifiseerde inligting

3.1 Watter geklassifiseerde inligting wil u openbaar maak?

3.2 Waarom wil u hierdie geklassifiseerde inligting openbaar maak?

3.3 Vir watter doel sal hierdie inligting gebruik word?

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

3.4 Wie sal hierdie inligting ontvang?

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the paper.

Vorm1

3.5 Hoe beoog u om die inligting openbaar te maak?

4. Bykomende besonderhede

Is daar enige ander inligting waarop u die **Intelligensieher sieningsraad** se aandag wil vestig?

Handtekening _____

Datum _____

VIR AMPTELIKE GEBRUIK**Besluit van die Direkteur-generaal of die Hoof- Uitvoerende Beampte**

Die Direkteur-generaal / HUB het op _____ (datum) besluit

- ☐ om die aansoeker te versoek om verdere inligting in te dien
- ☐ om die aansoeker te versoek om 'n aanhoorsitting by te woon
- ☐ om die aansoek op sekere voorwaardes goed te keur
- ☐ om die aansoek goed te keur
- ☐ om die aansoek te verwerp

Handtekening _____

Datum _____

VORM 2

AANHANGSEL A

**AANSOEK DEUR 'N GEWESE LID VAN DIE INTELLIGENSIEDIENSTE
OF DIE AKADEMIE OM 'N KLARINGCERTIFIKAAT**

Aansoek kragtens artikel 28 van die Wet, gelees met Hoofstuk XXIV

'n Gewese lid van die Intelligensiedienste of die Akademie kan by die Direkteur-generaal of die Hoof- Uitvoerende Beampte aansoek doen om 'n klaringcertifikaat om diens in die private sekuriteitsbedryf te aanvaar. Die gewese lid moet hierdie vorm invul en aan die betrokke Direkteur-generaal of Hoof- Uitvoerende Beampte stuur:

Vul hierdie vorm volledig in. Indien u meer ruimte nodig het om die vrae te beantwoord, kan u u antwoorde op 'n afsonderlike vel papier verstrek en dit aan hierdie vorm vasheg.

1. Persoonlike inligting

- 1.1 Naam _____
- 1.2 Personeelnommer _____
- 1.3 Adres _____
- 1.4 Tel.no. (h) _____
- 1.5 Tel.no. (w) _____
- 1.6 Selfoonno. _____
- 1.7 Faksno. _____

2. Werkgeskiedenis by Intelligensiedienste en/of Akademie

- 2.1 Naam van werkgewer _____
- 2.2 Direkoraat/Afdeling/Eenheid _____
- 2.3 Beroepsgroep _____
- 2.4 Hoogste posvlak bereik _____
- 2.5 Naam van onmiddellike toesighouer _____
- 2.6 Datum van diensaanvaarding _____
- 2.7 Datum van diensbeëindiging _____

Vorm 2

3. Aard van beoogde dienste in die private sekuriteitsbedryf

3.1 Watter tipe dienste sal u moet lewer?

3.1 Watter vaardighede, kennis of inligting wat u verkry het terwyl u in die Intelligensiedienste of die Akademie was, sal aangewend word?

Vorm 2

4. **Besonderhede van nuwe werkgewer/beoogde onderneming**

Indien u in die private sekuriteitsbedryf in diens geneem gaan word, moet u vrae 4.1 en 4.2 invul. Indien u voornemens is om u eie onderneming in die private sekuriteitsbedryf te begin, moet u vrae 4.3 en 4.4 invul.

4.1 Wie is u beoogde nuwe werkgewer?

4.1.1 Naam _____
4.1.2 Adres _____
4.1.3 Tel.no. _____
4.1.4 Faksno. _____

4.2 Wie is u beoogde nuwe werkgewer se kliënte (d.w.s. aan wie sal u dienste gelewer word)?

4.3 Wat is die besonderhede van u onderneming?

4.3.1 Naam van onderneming _____
4.3.2 Adres _____
4.3.3 Tel.no. _____
4.3.4 Faksno. _____

Vorm 2

4.4 Wie sal u voornemende kliënte wees (d.w.s. aan wie sal u dienste gelewer word)?

5. **Bykomende besonderhede**

Is daar enige ander inligting waarop u die Direkteur-generaal of die Hoof- Uitvoerende Beampte se aandag wil vestig?

Handtekening _____ Datum _____

VIR AMPTELIKE GEBRUIK

Besluit van die Direkteur-generaal of die Hoof- Uitvoerende Beampte

Die Direkteur-generaal of HUB het op _____ (datum) besluit

- ☐ om die aansoeker te versoek om verdere inligting in te dien
- ☐ om die aansoek goed te keur
- ☐ om die aansoek te verwerp

Handtekening _____ Datum _____

VORM 3

AANHANGSEL A

APPÈL DEUR 'N GEWESE LID VAN DIE INTELLIGENSIEDIENSTE OF DIE AKADEMIE TEEN 'N BESLUIT VAN DIE DIREKTEUR-GENERAAL OF HOOF-UITVOERENDE BEAMPTTE

Aansoek kragtens artikel 28 van die Wet, gelees met Hoofstuk XXIV.

'n Gewese lid van die Intelligensiedienste/Akademie kan na die Minister appelleer teen die besluit van die Direkteur-generaal of die Hoof- Uitvoerende Beampte om nie 'n klaringstifikaat om in die private sekuriteitsbedryf in diens te tree, aan hom of haar uit te reik nie.

Die gewese lid moet hierdie vorm invul en aan die betrokke Direkteur-generaal of Hoof- Uitvoerende Beampte stuur:

Vul hierdie vorm volledig in. Indien u meer ruimte nodig het om die vrae te beantwoord, kan u u antwoorde op 'n afsonderlike vel papier verstrek en dit aan hierdie vorm vasheg.

1 Persoonlike inligting

- 1.1 Naam _____
- 1.2 Personeelnommer _____
- 1.3 Adres _____
- 1.4 Tel.no. (h) _____
- 1.5 Tel.no. (w) _____
- 1.6 Selfoonno. _____
- 1.7 Faksno. _____

2 Werkgeskiedenis by Intelligensiedienste en/of Akademie

- 2.1 Naam van werkgever _____
- 2.2 Direktooraat/Afdeling/Eenheid _____
- 2.3 Beroepsgroep _____
- 2.4 Hoogste posvlak bereik _____
- 2.5 Naam van onmiddellike toesighouer _____
- 2.6 Dienstydpark _____

VORM 3**3. Appèlgronde**

Meld in u antwoorde op hierdie vrae spesifiek in watter opsigte u nie met die besluit van die Direkteur-generaal of die Hoof- Uitvoerende Beamppte saamstem nie.

3.1 Het die Direkteur-generaal of die Hoof- Uitvoerende Beamppte na u mening versuim om tersaaklike faktore te oorweeg of onvoldoende gewig daaraan verleen?

3.2 Het die Direkteur-generaal of die Hoof- Uitvoerende Beamppte na u mening nie-teresaaklike faktore oorweeg of gewig daaraan verleen?

VORM 3

3.3 Het die Direkteur-generaal of die Hoof- Uitvoerende Bamppte na u mening 'n regsdwaling begaan?

3.4 Watter resultaat of uitslag verlang u uit hierdie appèl?

VORM 3

3.5 Is daar enige feitelike of regsgronde waarop u die aandag van die Minister wil vestig?

4. Bykomende inligting

4.1 Die Direkteur-generaal of die Hoof- Uitvoerende Bampite sal alle toepaslike dokumente binne 20 dae ná ontvangs van hierdie appèl aan die Minister en aan u deurstuur.

4.2 U kan u appèlgronde aanvul binne tien dae ná ontvangs van hierdie dokumente.

Aansoeker se handtekening _____

Datum _____

VIR AMPTELIKE GEBRUIK

Besluit van die Minister

Op _____ (datum) het die Minister besluit dat die appèl

☐ geslaag het

☐ nie geslaag het nie

Handtekening _____ Datum _____

HOOFSTUK XXVI**VEILIGHEIDSKEURING****1. ALGEMEEN**

- (1) Hierdie veiligheidskeuringsregulasies verskaf 'n raamwerk vir die bepaling van 'n persoon of 'n lid se veiligheidsbevoegdheid.
- (2) Alle inligting inligting wat gedurende 'n veiligheidskeuringsondersoekprosedure ingesamel is, moet vertroulik hanteer word en mag nie vir enige ander doel gebruik word as vir die bepaling van die veiligheidsbevoegdheid van 'n persoon of 'n lid nie, met behoorlike inagneming van artikel 2(1)(b)(iii) van die Wet op Nasionale Strategiese Intelligensie, 1994 (Wet No. 39 van 1994).
- (3) Die veiligheidskeuringsondersoekprosedure mag gebruik word slegs om—
 - (a) die Intelligensiedienste en die Akademie te beskerm teen buitelandse en vyandelike intelligensie-operasies;
 - (b) die Intelligensiedienste en die Akademie te beveilig teen die ongemagtigde verspreiding of openbaarmaking van geklassifiseerde inligting en materiaal; en
 - (c) die persoon of die lid se integriteit, betroubaarheid en lojaliteit teenoor die Intelligensiedienste en die Akademie te bepaal in die beveiliging van die belange van die Republiek en sy Grondwet.
- (4) Alle veiligheidskeuringsondersoekprosedures moet uitgevoer word—
 - (a) met behoorlike inagneming van die visie, missie en kernwaardes van die onderskeie Intelligensiedienste en die Akademie;
 - (b) behoudens die fundamentele regte vervat in die Grondwet.
- (5) Vir doeleindes van hierdie Hoofstuk beteken—
 - (a) "Hoofbestuurder" die hoofbestuurder verantwoordelik vir die veiligheidskeuringsfunksie;
 - (b) "aansoeker" 'n persoon of 'n lid wat aan 'n veiligheidskeuringsondersoek onderhewig is.

2. KLARINGSVLAKKE

- (1) Die volgende klaringsvlakke is in die Intelligensiedienste van toepassing:
 - (a) uiters geheim – soos vervat in Hoofstuk XXV: Met dien verstande dat hierdie klassifikasie toegang tot inligting en/of persele insluit;
 - (b) geheim – soos vervat in Hoofstuk XXV: Met dien verstande dat hierdie klassifikasie toegang tot inligting en/of persele insluit;
 - (c) vertroulik – soos vervat in Hoofstuk XXV: Met dien verstande dat hierdie klassifikasie toegang tot inligting en/of persele insluit.

- (2) Die Direkteur-generaal moet die klaringsvlak bepaal wat enige persoon of lid moet behaal voordat hy of sy in diens geneem word of toegelaat word om enige bepaalde taak te verrig vir of namens die Intelligensiedienste en die Akademie.
- (3) Die Direkteur-generaal moet die frekwensie bepaal waarteen 'n aansoeker se veiligheidsklaring geëvalueer moet word.

3. TERSAAKLIKE FAKTORE BY DIE VERKRYGING VAN 'N VEILIGHEIDSKLARING

- (1) Onder meer die volgende faktore is ter sake wanneer bepaal word of 'n aansoeker 'n veiligheidsklaring moet kry:
 - (a) kriminele oortredings en wangedrag;
 - (b) die gebruik van afhanklikheidsvormende middels;
 - (c) finansiële oorwegings;
 - (d) gedragsversteurings;
 - (e) burgerskap en/of buitelandse invloed; en
 - (f) lojaliteit teenoor die Grondwet.
- (2) Die faktore in subregulasie (1) genoem, moet geëvalueer word om die bevoegdheid van die aansoeker om met geklassifiseerde of sensitiewe inligting toevertrou te word, te bepaal.
- (3) By die bepaling van die veiligheidsbevoegdheid van 'n aansoeker moet die Direkteur-generaal die meriete en die gewig van die faktore genoem in subregulasie (1) teen mekaar opweeg.

4. VEILIGHEIDSONDERSOEKPROSEDURES

- (1) Die volgende prosedures is van toepassing:
 - (a) 'n Veiligheidskeuringsondersoekbeampte moet alle beskikbare inligting wat redelikerwys betrekking op die uitslag van 'n veiligheidsklaring kan hê, insamel.
 - (b) Die Direkteur-generaal kan die vingerafdrukke van alle aansoekers aanvra vir verifiëring deur die Suid-Afrikaanse Polisiediens.
 - (c) Die veiligheidskeuringsondersoekbeampte moet die aansoeker namens die Intelligensiedienste of die Akademie, na gelang van die geval, versoek om die volgende voor te lê:
 - (i) finansiële state vir die drie maande wat die datum van die veiligheidskeuringsondersoek voorafgaan;
 - (ii) gewaarmerkte afskrifte van identiteitsdokumente;
 - (iii) enige ander inligting of dokumente wat die veiligheidskeuringsondersoekbeampte kan help in die uitvoering van sy

of haar pligte.

- (d) Die veiligheidskeuringsondersoekbeampte moet die nodige inligting insamel deur middel van 'n indringende onderhoud met die aansoeker en die referente.
- (e) Nadat al die toepaslike inligting ingesamel is, moet die veiligheidskeuringsondersoekbeampte die inligting evalueer, 'n verslag opstel en 'n aanbeveling met betrekking tot die veiligheidsbevoegdheid van die betrokke aansoeker doen vir die aandag van die Hoofbestuurder.
- (f) Die Hoofbestuurder moet, na ontvangs van die verslag, die feite wat aan hom of haar voorgelê is, evalueer en 'n aanbeveling oor die veiligheidsbevoegdheid van die aansoeker aan die Direkteur-generaal doen.
- (g) Die Hoofbestuurder moet, indien die aansoeker veiligheidsonbevoeg bevind word, aan die Direkteur-generaal die redes vir sy of haar bevinding verstrek.
- (h) Indien die Hoofbestuurder nie in staat is om 'n aanbeveling aan die Direkteur-generaal te doen op grond van die verslag wat aan hom of haar voorgelê is nie, kan die Direkteur-generaal die aangeleentheid vir aanbeveling na die Veiligheidsklaringsadviesraad (VKAR), ingestel kragtens regulasie 5, verwys.
- (i) Die Direkteur-generaal moet, nadat hy of sy die aanbevelings van die Hoofbestuurder of VKAR, na gelang van die geval, oorweeg het, die inligting wat aan hom of haar voorgelê is, evalueer en 'n veiligheidsklaringsertifikaat uitreik, afgradeer, terugtrek of weier.
- (j) Die aansoeker moet skriftelik van die uitslag van die veiligheidskeuringsondersoek in kennis gestel word: Met dien verstande dat inligting wat nadelig kan wees vir nasionale veiligheid, strafregtelike ondersoeke, die identiteit van bronne en lede, nie aan die aansoeker geopenbaar mag word nie.
- (k) 'n Aansoeker kan teen die besluit van die Direkteur-generaal appelleer ooreenkomstig regulasie 8.
- (l) Die vlak van veiligheidsklaring, indien enige, wat aan 'n aansoeker toegeken word ooreenkomstig paragraaf (i)—
 - (i) moet gespesifiseer word in 'n sertifikaat uitgereik deur die Direkteur-generaal, wat *prima facie*-bewys van die vlak van veiligheidsklaring is;
 - (ii) bly van krag totdat die volgende veiligheidskeuringsondersoek ten opsigte van die aansoeker gedoen is, of totdat sodanige veiligheidsklaring verstryk het, afgegradeer is of teruggetrek is; en
 - (iii) is onderworpe aan periodieke hersiening op sodanige tye en met sodanige tussenposes as wat die Direkteur-generaal van tyd tot tyd bepaal.
- (2) Die Direkteur-generaal moet die prosedure bepaal wat op die verskillende vlakke van veiligheidsklaring van toepassing is.

5. VEILIGHEIDSKLARINGSADVIESRAAD (VKAR)

- (1) Die Direkteur-generaal kan minstens vyf lede van die Intelligensiedienste aanstel om in 'n Veiligheidsklaringsadviesraad (VKAR) te dien, van wie een die voorsitter is.
- (2) VKAR moet die verslag van die Hoofbestuurder beoog in regulasie 4(1)(h) evalueer.
- (3) VKAR kan uit lede van die volgende strukture in die Intelligensiedienste saamgestel word:
 - (a) veiligheidskeuring;
 - (b) mensehulpbronne;
 - (c) regsdiens;
 - (d) arbeidsverhoudinge; en
 - (e) enige ander lid of lede wat aangewys deur die Direkteur-generaal.

6. POLIGRAAF

- (1) Die veiligheidskeuringsondersoekbeampte kan 'n aansoeker versoek om 'n poligraafondersoek te ondergaan ten einde die betroubaarheid van die inligting ingesamel kragtens regulasie 4 te bepaal.
- (2) Die poligraaf moet as 'n ondersoekhulpmiddel gebruik word en nie as afdoende bewys van veiligheidsbevoegdheid nie.
- (3) Die weiering van 'n aansoeker om 'n poligraafondersoek te ondergaan, maak nie as sodanig 'n rede vir die weiering van 'n veiligheidsklaring uit nie, maar verdere ondersoeke moet dan gedoen word.
- (4) Die Direkteur-generaal kan direkteiewe oor poligraaftoetsing uitvaardig.

7. VERTEENWOORDIGING

- (1) 'n Aansoeker wat nadelig geraak word deur 'n terugtrekking, afgradering of weiering van 'n veiligheidsklaring en voornemens is om appèl teen die besluit van die Direkteur-generaal aan te teken, is geregtig op verteenwoordiging. Met dien verstande dat die Direkteur-generaal van sodanige verteenwoordiging in kennis gestel word.
- (2) Die dienste van 'n regspraktisyn wat nie 'n lid van die Intelligensiedienste of die Akademie, na gelang van die geval, is nie, mag slegs ooreenkomstig regulasie 10 gebruik word.
- (3) Die Direkteur-generaal moet die maatreëls tref wat hy of sy nodig en raadsaam ag om die intelligensie-inligting en dokumente wat die onderwerp van 'n appèl is en in besit en onder beheer van die Intelligensiedienste en die Akademie is, te beskerm teen ongemagtigde openbaarmaking.

8. TERUGTREKKING, AFGRADERING OF WEIERING VAN VEILIGHEIDSKLARINGS

- (1) Indien die Direkteur-generaal redelikerwys van mening is dat 'n aansoeker nie as 'n lid aangestel kan word of kan aanbly sonder die moontlikheid dat daardie aansoeker 'n veiligheidsrisiko word of kan optree op 'n wyse wat nadelig vir die veiligheidsbelange van die Republiek is nie, kan hy of sy die aansoeker se veiligheidsklaring terugtrek, afgradeer of weier.
- (2) Die aansoeker wie se veiligheidsklaring teruggetrek, afgegradeer of geweier is, moet skriftelik van die besluit van die Direkteur-generaal en die redes daarvoor in kennis gestel word: Met dien verstande dat inligting wat nadelig kan wees vir nasionale veiligheid, strafregtelike ondersoeke, die identiteit van bronne en lede, nie aan die aansoeker geopenbaar mag word nie.
- (3) Binne 30 agtereenvolgende dae na ontvangs van die kennisgewing bedoel in subregulasie (2) kan die aansoeker wat nadelig daardeur geraak word, 'n skriftelike appèl by die Direkteur-generaal indien, tesame met sodanige skriftelike vertoë, verklarings en dokumente as wat hy of sy nodig ag, en 'n kennisgewing van voorneme om verteenwoordiging te kry.
- (4) Die Minister kan, by aanvoering van gegronde redes, die tydperk vir die indiening van 'n skriftelike appèl soos bedoel in subregulasie (3), verleng.
- (5) Die Direkteur-generaal moet, ná ontvangs van 'n appèl wat ooreenkomstig subregulasie (3) by hom aangeteken is, binne 21 agtereenvolgende dae die Minister van die volgende inligting voorsien:
 - (a) Skriftelike vertoë, tesame met alle stawende dokumente en kennisgewing van verteenwoordiging;
 - (b) die kennisgewing aan die aansoeker deur die Direkteur-generaal, tesame met die redes vir die terugtrekking, afgradering of weiering van die veiligheidsklaring;
 - (c) alle dokumente, inligting en besonderhede wat die Direkteur-generaal tydens die evaluering in ag geneem het om 'n besluit te maak;
 - (d) enige ander oorwegings wat die besluit kon beïnvloed het:

Met dien verstande dat die Direkteur-generaal, sover redelikerwys moontlik, stappe moet doen om te verseker dat nasionale veiligheidsmetodes, intelligensie-insamelingsmetodes, inligtingsbronne en die identiteit van lede van die Intelligensiedienste en die Akademie beskerm word teen ongemagtigde openbaarmaking.

- (6) Afsien van die inligting bedoel in subregulasie (5), moet die Direkteur-generaal die Minister oortuig dat—
 - (a) die inligting of intelligensie op grond waarvan die besluit bedoel in subregulasie (1) geneem is, volgens intelligensiemetodes deur hom of haar geëvalueer is en dat dit waar en korrek is;
 - (b) na sy of haar mening, die inligting of intelligensie wat van die aansoeker weerhou is ooreenkomstig subregulasies (2) en (5), indien enige, van so 'n aard is dat dit nie aan die betrokke aansoeker bekendgemaak moet word nie en/of dat die aansoeker nie eers behoort te weet dat die Intelligensiedienste die vermoë het om daardie inligting of intelligensie te bekom nie;

- (c) hy of sy self die inligting of intelligensie bestudeer en oorweeg het en dat hy of sy, handelende te goeder trou en in belang van nasionale veiligheid, op grond van die inhoud van die inligting en intelligensie wat ontvang is, nie die sensitiefste geheime van die Republiek aan die aansoeker kan toevertrou nie.

9. APPÈLRAAD

- (1) Die Minister kan vyf persone aanstel om 'n Appèlraad uit te maak en appèlle te oorweeg: Met dien verstande dat die persone aldus aangestel wat nie lede van die Intelligensiedienste of die Akademie, na gelang van die geval, is nie, moet voldoen aan die vereistes van 'n veiligheidsklaring: Met dien verstande voorts dat minstens twee van die aangestelde persone 'n regsgeleerde en/of 'n deskundige in arbeidsverhoudinge moet wees.
- (2) Die lede van die Appèlraad kan ook lede van die Intelligensiedienste en/of die Akademie wees.
- (3) Die Minister kan vir elke appèl wat aangeteken word, minstens drie van die lede aanstel om 'n Appèlpaneel te vorm, van wie een as voorsitter moet optree: Met dien verstande dat twee van die aangestelde persone 'n regsgeleerde en/of 'n deskundige in arbeidsverhoudinge moet wees.
- (4) Die Minister moet die aanstellingsbepalings en -voorwaardes van diegene op die Appèlpaneel wat nie lede van die Intelligensiedienste of die Akademie, na gelang van die geval, is nie, ooreenkomstig die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), bepaal.
- (5) Die voorsitter van 'n Appèlpaneel, in oorleg met die Direkteur-generaal, moet toesien dat die nodige administratiewe steun aan die Appèlpaneel gegee word.

10. APPÈLLE

- (1) Die kennisgewing van appèl moet die appèlgronde uiteensit.
- (2) Ná ontvangs van die dokumente bedoel in regulasie 8(5) moet die Minister, binne tien agtereenvolgende dae die appèl oorweeg of 'n Appèlpaneel uit die Appèlraad aanstel en die Paneel van die betrokke dokumente voorsien.
- (3) Nadat die voorsitter van die Appèlpaneel aangestel is, moet hy of sy sonder oormatige vertraging 'n skriftelike kennisgewing aan die aansoeker wat die appèl aangeteken het, beteken waarin die volgende vermeld word:
 - (a) Die datum waarop vertoë deur die partye in die appèl gelewer kan word, welke datum hoogstens vyf agtereenvolgende dae ná ontvangs van die skriftelike kennisgewing moet wees;
 - (b) die tyd waarop en die plek waar die vertoë aangehoor sal word.
- (4) Die aansoeker mag in die appèlproses deur enige persoon, lid of regspraktisyn verteenwoordig word: Met dien verstande dat aan die volgende vereistes voldoen word indien hy of sy verteenwoordig word deur 'n persoon of regspraktisyn wat nie 'n lid is nie:

- (a) Die persoon of regspraktisyn moet voldoen aan die vereistes van veiligheidsklaring;
- (b) die lede van die Appèlraad moet daartoe instem nadat hulle oorweging geskenk het aan—
 - (i) die ingewikkeldheid van die saak;
 - (ii) die aard van die regsrae wat deur die appèl geopper word;
 - (iii) die openbare belang;
 - (iv) die betreklike vermoë van die betrokke partye of hulle verteenwoordigers om die appèl te hanteer.
- (5) Die regskoste wat die aansoeker aangaan, moet deur hom of haar self betaal word.
- (6) Indien die aansoeker versuim om op die vasgestelde datum in persoon te verskyn of deur middel van 'n verteenwoordiger vertoë rig, kan die voorsitter beslis dat die appèl in sy of haar afwesigheid oorweeg word of dat die aanhoor van die appèl uitgestel word.
- (7) Die voorsitter van die Appèlraad moet reëls maak en uitreik vir die behoorlike aantekene en oorweging van appèlle.
- (8) Die Appèlraad moet binne 15 agtereenvolgende dae ná oorweging van die appèl 'n aanbeveling daaroor doen ooreenkomstig die bepalings van die Wet.
- (9) 'n Kworum vir enige vergadering van die Appèlraad is 'n meerderheid van die lede van die Appèlraad.
- (10) In geval van 'n staking van stemme op enige vergadering van die Appèlraad het die voorsitter 'n beslissende stem benewens sy of haar gewone stem.
- (11) Die aanbeveling van die Appèlraad word aan die Minister deurgestuur vir oorweging.

11. OORWEGING VAN DIE APPÈL DEUR DIE MINISTER

- (1) Indien die Minister 'n Appèlpanel kragtens regulasie 9(3) aangestel het, moet hy of sy binne 21 agtereenvolgende dae ná ontvangs van die aanbevelings van die Appèlpaneel die aanbevelings of bekragtig of tersyde stel.
- (2) Indien die Minister die appèl oorweeg, moet hy of sy die besluit van die Direkteur-generaal bekragtig, tersyde stel of wysig.
- (3) Die Minister se besluit is finaal en bindend.
- (4) Die besluit van die Minister moet binne 14 agtereenvolgende dae nadat hy of sy 'n besluit geneem het kragtens subregulasie (1) en (2), skriftelik aan die Direkteur-generaal voorgelê word vir doeleindes van kennisgewing aan die aansoeker wat die appèl aangeteken het.
- (5) Die Direkteur-generaal moet binne tien agtereenvolgende dae ná ontvangs van die Minister se besluit die aansoeker skriftelik in kennis stel van die uitslag van die appèl.