



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 580

Pretoria, 4 October 2013
Oktober

No. 36895

MANUAL

IN ACCORDANCE WITH

THE PROMOTION OF ACCESS TO INFORMATION ACT (NO. 2 OF 2000)

*N.B. The Government Printing Works will
not be held responsible for the quality of
"Hard Copies" or "Electronic Files"
submitted for publication purposes*



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

IMPORTANT NOTICE

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

INDEX

Company Name	Gazette No.	Date	Page No.
Department of Health, KZN	36895	4-10-2013	3



health

Department:
Health
PROVINCE OF KWAZULU-NATAL

**KWAZULU-NATAL DEPARTMENT OF
HEALTH
MANUAL IN TERMS OF THE
PROMOTION OF ACCESS TO INFORMATION
ACT, 2000
(ACT NO. 2 OF 2000)**

TABLE OF CONTENTS

1. Introduction
2. Mandate and Functions of the KwaZulu-Natal Department of Health
3. Organisational Structure of the KwaZulu-Natal Department of Health
4. Contact information for the KwaZulu-Natal Department of Health and Information Officer
5. Guide, in terms of Section 10 of PAIA, developed by the Human Rights Commission
6. Access to Information of the KwaZulu-Natal Department of Health
7. Procedure to be followed for request for access to a record of the KwaZulu-Natal Department of Health
8. Record cannot be found
9. Transfer of a request for Access to a Record
10. Fees payable for Access to Records
11. Deferral of Access to a Record
12. Timeframes and Notice to a Requestor
13. Refusal of Access to a Record
14. Extension of period to decide on request
15. Mandatory refusal of request for a Record
16. Discretionary Refusal of Request for Access to Record
17. Deemed Refusal of Request for Information
18. Internal Appeal

Annexures

1. Annexure “A” – Organogram of KwaZulu-Natal Department of Health
2. Annexure “B1” – Contact details of Provincial Hospitals of KwaZulu-Natal Department of Health
3. Annexure “B2” – Contact details of District Offices of KwaZulu-Natal Department of Health
4. Annexure “B3” – Contact details of Community Health Centres of KwaZulu-Natal Department of Health
5. Annexure “C” – Form A (Application for Access to Information)
6. Annexure “D” – Fees payable for Access to Record
7. Annexure “E” – Form B (Internal Appeal)

1. INTRODUCTION

The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), ("PAIA"), was promulgated in terms of section 32 of the Constitution of the Republic of South Africa ("the Constitution"), which provides –

"(1) Everyone has the right of access to –

(a) information held by the state; and

(b) any information that is held by another person and that is required for the exercise or protection of any rights.

(2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state."

The object of PAIA is to promote a society in which the citizens of South Africa have access to information to enable them to effectively exercise and protect their Constitutional rights.

PAIA was passed by Parliament on 2 February 2000 in accordance with section 32 of the Constitution to give effect to the rights enshrined therein. With the exception of sections 10, 14, 16 and 51, PAIA came into effect on 9 March 2000 with the remaining sections coming into effect on 15 February 2002.

PAIA may be utilised by any person who wishes to request information from a public body or private body within the Republic. In terms of PAIA, the person making the request for information is known as the "requestor".

Every public and private body is required to compile a manual in at least 3 (three) official languages of South Africa explaining how PAIA may be used to access information.

This Manual has been designed to assist requestors who wish to obtain information from the KwaZulu-Natal Department of Health, which is a public body. This Manual is available in English, isiZulu and Afrikaans.

This Manual, however, does not contain information about how to make a request to other public or private bodies. If a requestor wishes to make a request to another public (other than the KwaZulu-Natal Department of Health) or private body, the requestor should obtain a copy of the manual from the relevant public or private body.

This Manual is divided into sections to assist the requestor.

2. MANDATE AND FUNCTIONS OF THE KWAZULU-NATAL DEPARTMENT OF HEALTH

2.1. The KwaZulu-Natal Department of Health forms part of the KwaZulu-Natal Provincial Government and its mission is to develop a sustainable, co-ordinated

and comprehensive health system at all levels, based on the Primary Health Care approach, within the Province of KwaZulu-Natal.

The Department's vision is to achieve optimal health status for all persons in the Province of KwaZulu-Natal. The core values of the Department are:

- trust built on truth, integrity and reconciliation;
- open communication, transparency and consultation;
- commitment to performance; and
- the courage to learn, change and innovate.

2.2 To achieve the KwaZulu-Natal Department of Health's vision, mission and core values, the Department is responsible for developing and implementing national and provincial health policy, norms, frameworks and standards to achieve, within the Province's available resources, the progressive realisation of the right of access to health care services. The Department is responsible for providing accessible and comprehensive provincial public health care services. The Department is committed to transparency in the development and implementation of health policies and practices.

2.3 **Legislative Mandate of the KwaZulu-Natal Department of Health** (alphabetical order)

The legislative mandate of the KwaZulu-Natal Department of Health is contained in; inter alia, the following legislation –

Abattoir Hygiene Act, 1992 (Act No. 121 of 1992)

Adult Basic Education and Training Act, 2000 (Act No. 52 of 2000)

Air Quality Act, 2004 (Act No. 39 of 2004)

Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)

Birth and Deaths Registration Act, 1992 (Act No. 51 of 1992)

Broad Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003)

Children's Act, 2005 (Act No. 38 of 2005)

Chiropractors, homeopaths and allied health service professions amendment Act, 1995 (Act No. 40 of 1995)

Choice on Termination of Pregnancy Act, 1996 (Act No. 92 of 1996)

Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993)

Constitution of the Republic of South Africa

Council for Medical Schemes Levies Act, 2000 (Act No. 58 of 2000)

Dental Technicians Act, 1979 (Act No. 19 of 1979)

Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002)

Employment Equity Act, 1998 (Act No. 55 of 1998)

Foodstuffs, cosmetics and disinfectants Act, 1972 (Act No. 54 of 1972)

Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997)

Hazardous Substances Act, 1973 (Act No. 15 of 1973)

Health Professions Act, 1974 (Act No. 56 of 1974)

Higher Education Act, 1997 (Act No. 101 of 1997)

Human Tissue Act, 1983 (Act No. 65 of 1983)

Inquest Act, 1959 (Act No. 58 of 1959)

Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005)

KwaZulu-Natal cemeteries and crematoria Act, 1996 (Act No. 12 of 1996)

KwaZulu-Natal Provincial Archives Act, 2000 (Act No.5 of 2000)

Labour Relations Act, 1995 (Act No. 66 of 1995)

Liquor Act, 2003 (Act No. 59 of 2003)

Medical, dental and supplementary health service professions amendment Act, 1995
(Act No. 18 of 1995)

Medical Schemes Act, 1998 (Act No. 131 of 1998)

Medicines and related substances control Act, 1965 (Act No. 101 of 1965)

Mental Health Care Act, 2002 (Act No. 17 of 2002)

National Archives of South Africa Act, 1996 (Act No. 43 of 1996)

National Building Regulations and Buildings Standards Act, 1977 (Act No. 103 of 1977)

National Health Act, 2003 (Act No. 61 of 2003)

National Health Laboratory Service Act, 2000 (Act No. 37 of 2000)

Nursing Act, 2005 (Act No. 33 of 2005)

Pharmacy Act, 1974 (Act No. 53 of 1974)

Prescription Act, 1969 (Act No. 68 of 1969)

Prevention and treatment of drug dependency Act, 1992 (Act No. 20 of 1992)

Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)

Promotion of equality and prevention of unfair discrimination Act, 2000 (Act No. 4 of 2000)

Promotion of administrative justice Act, 2000 (Act No. 3 of 2000)

Protected Disclosure Act, 2000 (Act No. 26 of 2000)

Public Finance Management Act, 1999 (Act No. 1 of 1999)

Public Protector Act, 1994 (Act No. 23 of 1994)

Public Service Act (Proclamation 103 of 1994)

Road Accident fund Act, 1996 (Act No. 59 of 1996)

Skills Development Act, 1998 (Act No. 97 of 1998)

Skills Development Levies Act, 1999 (Act No. 9 of 1999)

South African Qualifications Authority Act, 1995 (Act No. 58 of 1995)

State Information Agency Act, 2002 (Act No. 38 of 2002)

Sterilisation Act, 1998 (Act No. 44 of 1998)

Traditional Health Practitioners Act, 2007 (Act No. 22 of 2007)

Tobacco Products Control Act, 1993 (Act No. 83 of 1993)

2.4 Functions of the KwaZulu-Natal Department of Health

2.4.1 The KwaZulu-Natal Department of Health has three core functions:

- a) the district health system;
- b) emergency medical rescue services; and
- c) institutional support services, which includes but is not limited to administration and management of district, regional tertiary and specialised hospitals.

2.4.2 The KwaZulu-Natal Department of Health falls within the portfolio of the Member of the KwaZulu-Natal Executive Council and responsible for Health i.e. the MEC for Health. The Head of Department is the accounting officer for the KwaZulu-Natal Department of Health and is responsible for the overall administration and management of the Department. The Department's main administrative offices are located in Pietermaritzburg, with additional health district offices located throughout the Province as described in section 7 of this Manual.

2.4.3 The health districts are responsible for the management and administration of the district health system.

2.4.4 The KwaZulu-Natal Department of Health also has a variety of community health services which are administered by the health districts which are listed in this section.

2.4.5 The district health system is based on the provision of comprehensive provincial health care services, including primary health care services. The first point of contact for public health care users is the clinic located in the geographical area where a public health care user lives. Depending on the public health care user's requirements, the public health care user is treated at the clinic in his or her area. If a clinic cannot assist the health care user, he or she may be referred to a community health care centre. If a community health care centre cannot assist the public health care user, he or she may be referred to a district hospital.

2.4.6 If a district hospital cannot assist the public health care user, he or she may be referred to a regional hospital for treatment. If a regional hospital cannot assist the health care user, he or she may be referred to a provincial tertiary hospital staffed by specialists and generalists. If a provincial tertiary hospital cannot assist the health care user, he or she may be referred to a central hospital which provides multi-speciality clinical services. A public health care user may also be referred to a specialised hospital, which could include a hospital specialising in chronic psychiatric, convalescent, tuberculosis, specialised spinal injury or acute infectious care.

2.4.7 Emergency medical rescue services are provided by the KwaZulu-Natal Department of Health through the KwaZulu-Natal Emergency Medical Rescue Service.

2.4.8 The KwaZulu-Natal Department of Health provides various community health services which are administered by the health districts and include:

- a) Chronic Diseases and Geriatrics
- b) Communicable Disease Control
- c) Environmental Health
- d) Health Promotion
- e) Maternal, Child and Women's Health
- f) Mental Health
- g) Nutrition
- h) Occupational Health and Safety
- i) Oral Health
- j) Rehabilitation

3. ORGANISATIONAL STRUCTURE OF THE KWA-ZULU-NATAL DEPARTMENT OF HEALTH

The current organizational structure/ organogram for the Department is attached to this Manual as **Annexure A**.

4. CONTACT INFORMATION FOR THE KWAZULU-NATAL DEPARTMENT OF HEALTH INFORMATION OFFICER

4.1 The Information Officer for the KwaZulu-Natal Department of Health is Dr S.M. Zungu, who is the Head of Department. Additional Deputy Information Officers (DIO's) have been appointed as per the attached schedule referred to in paragraph 4.6; 4.7 and 4.8 hereunder.

4.2 The Department's physical address is:

***KwaZulu-Natal Department of Health
Natalia Building
330 Langalibalele Street
Pietermaritzburg
3201***

4.3 The Department's postal address is:

***KwaZulu-Natal Department of Health
Private Bag X9051
Pietermaritzburg, 3200***

4.4 The Department's main telephone number is 033-395 2111. The Department's fax number for requestors requesting information from the Department can be sent to the General Manager: Legal Services Unit on fax number: (033) 342 5471.

4.5 The e-mail address for requestors requesting information from the Department is: monica.wilson@kznhealth.gov.za

- 4.6 The contact details for DIO's at the Provincial Hospitals of KwaZulu-Natal Department of Health is attached to this Manual as **Annexure "B1"**.
- 4.7 The contact details for DIO's at the District Offices of the KwaZulu-Natal Department of Health is attached to this Manual as **Annexure "B2"**
- 4.8 The contact details for DIO's at the Community Health Centres of the KwaZulu-Natal Department of Health is attached to this Manual as **Annexure "B3"**

5. GUIDE, IN TERMS OF SECTION 10 OF PAIA, DEVELOPED BY THE HUMAN RIGHTS COMMISSION

- 5.1 A guide on how to use PAIA has been published by the South African Human Rights Commission and is available from their website at www.sahrc.org.za This guide provides information on, inter alia,:

- a) The provisions and purpose of PAIA;
- b) The address and contact details of all Information Officers in the Republic of South Africa;
- c) The procedures for requesting information;
- d) The assistance which may be expected from Information Officers and the Human Rights Commission;
- e) The procedures for appeal;
- f) The nature of records that can be requested; and
- g) The fees payable for information requested.

- 5.2 The contact details for the South African Human Rights Commission are –

The South African Human Rights Commission

PAIA Unit

Private Bag X2700

Houghton

2041

Tel: (011) 484 8300

Facsimile: (011) 484 7149

KwaZulu-Natal Office:

1st Floor, 136 Victoria Embankment

Durban

Tel: 031 304 7323/4/5

Facsimile: 031 304 7323

Contact person: Mduduzi Sibisi (email: msibisi@sahrc.org.za)

6. ACCESS TO INFORMATION OF THE KWAZULU-NATAL DEPARTMENT OF HEALTH

6.1 Subjects and categories of records and information held by the Department and automatically available records –

6.1.1 The subjects and categories of records held by the KwaZulu-Natal Department of Health are as follows –

- (a) financial records of the Department
- (b) audit reports
- (c) strategic and annual reports
- (d) procurement records
- (e) legislation applicable to the Department
- (f) agendas and minutes of meetings of Department
- (g) publications of the Department
- (h) internal policies of the Department
- (i) statutory records
- (j) health research reports
- (k) litigation records
- (l) Government Gazettes
- (m) Employment equity plans
- (n) Registry catalogue of files
- (o) Personnel records of employees of the Department

6.1.2 The following categories of records of the KwaZulu-Natal Department of Health are automatically available without the requestor having to make an application for such document in terms of PAIA –

- a) Annual reports of the Department
- b) Annual financial statements and reports of the Department
- c) Annual Performance Plan for the Department
- d) Speeches of the MEC for Health, KwaZulu-Natal
- e) Strategic Plans for the Department of Health
- f) Epidemiological profile of KwaZulu-Natal
- g) Departmental Guidelines and procedures
- h) Departmental material on health promotion and awareness
- i) Media releases of the Department
- j) Newsletters of the Department

6.1.3 Some of the automatically available documents can be freely accessed from the KwaZulu-Natal Department of Health's website at www.kznhealth.gov.za

7. PROCEDURE TO BE FOLLOWED FOR REQUEST FOR ACCESS TO A RECORD OF THE KWAZULU-NATAL DEPARTMENT OF HEALTH

7.1 If a requestor wishes to make a request for access to a record of the KwaZulu-Natal Department of Health, he or she must make a written request, with the requested fee, to the Information Officer, whose contact information is listed in section 3 of this Manual.

7.2 A requestor wishing to make a request must use **Form A**, which is

included in this Manual as **Annexure C. Form A** can also be accessed from the Department of Health's website at www.kznhealth.gov.za or a copy may be requested from Mrs M. Wilson at (033) 395 2744.

7.3 The requestor must provide enough information in **Form A** to enable the Information Officer to identify the following –

- a) the records requested, a description of the record, a reference number (if any) and any further particulars on the record must be provided by the requestor;
- b) the requestor, all contact information must be provided; and
- c) the form of access required by the requestor, that is, if the:
 - i) record is in written or printed form, whether the requestor wishes to make a copy of the record or inspect the record;
 - ii) record is a visual image, which may be photographs, slides, video recordings, computer generated images or sketches, whether the requestor wishes to view the images, copy the images or obtain a transcription of the images;
 - iii) record is recorded words or information which can be produced by sound, whether the requestor wishes to listen to the soundtrack or obtain a written or printed transcription of the soundtrack; or
 - iv) record is held on a computer or in an electronic form, whether the requestor wishes to obtain a printed copy of the record, printed copy of information derived from the record or copy in electronic readable form.

7.4 A requestor must also state the language in which he/she wishes to obtain the record. If the record is not available in the language preferred by the requestor, access may be granted in the language in which the record is available.

7.5 A requestor who is illiterate or otherwise unable to make a written request for access to a record for whatever reason, must be assisted by the Information Officer or a Deputy Information Officer to reduce the request in writing on the required form and give a copy of the written request to the requestor.

7.6 The Information Officer or a Deputy Information must assist a person who requires reasonable assistance with making a request for a record. Assistance must be provided free of charge.

7.7 After the lodging of the request by the requestor, the Information officer/ Deputy Information officer, must process the application within 30 days of date of receipt of the request.

8. RECORD CANNOT BE FOUND

If a record cannot be found, the Information Officer/ Deputy Information Officer must, by way of affidavit or affirmation, notify the requestor that it is not possible to give access to the record.

9. TRANSFER OF A REQUEST FOR ACCESS TO A RECORD

9.1 The Information Officer or a Deputy Information may transfer a request to the relevant body where the requested record:

- a) is not under the control of the KwaZulu-Natal Department of Health;
- b) is more closely connected with the functions of another public body;
or
- c) contains commercial information in which another public body has a greater interest.

9.2 A transfer of request must be made by the Information Officer/ Deputy Information Officer within 14 days of the request being received and the Information Officer/ Deputy Information Officer must notify the requestor of the transfer of the request, the reasons for the transfer and the period within which the request must be addressed.

10. FEES PAYABLE FOR ACCESS TO RECORDS

10.1 The initial fee payable by a requestor, other than a personal requestor, for a record is as indicated in **Annexure D** to this Manual. A personal requestor is a person seeking information about him or herself, does not have to pay the initial fee. All requestors, except those who are exempted in terms of section 22(8)(a) of PAIA, must pay the required fees to obtain a record.

10.2 Where a requestor wishes to lodge an appeal against payment of the initial fee, the requestor may make an application to court against the payment of the fee.

11. DEFERRAL OF ACCESS TO A RECORD

Access may be deferred where a record is not yet available.

12. TIME FRAMES AND NOTICE TO A REQUESTOR

The Information Officer/ Deputy Information Officer must decide within 30 days whether

to grant the request and then send a notice to the requestor. Where access is to be granted, the notice must state:

- a) that the access fee, if any, must be paid upon being granted access;
- b) the form in which access will be given; and
- c) that the requestor may lodge an internal appeal with the Department or an application with a court against the access fee to be paid or the form in which access is to be granted.

13. REFUSAL OF ACCESS TO A RECORD

If access is not to be granted to the record, the notice by the Information Officer or Deputy Information Officer must:

- a) give adequate reasons for the refusal;
- b) exclude, from the reasons, any reference to the content of the record; and
- c) state that the requestor may lodge an internal appeal with the Department or application with a court against the refusal of the request and advise the requestor of the procedure to lodge an internal appeal or application.

14. EXTENSION OF PERIOD TO DECIDE ON REQUEST

The Information Officer/ Deputy Information Officer may extend the period of 30 days in which to decide on the request if:

- a) the request is for a large number of records and compliance would unreasonably interfere with the activities of the KwaZulu-Natal Department of Health;
- b) the request requires a search or collection of records in an office not situated in the same town or city as the Information Officer/ Deputy Information Officer and Information Officer/ Deputy Information Officer can not reasonably be expected to complete the request within the initial 30 days;
- c) consultations among sections of the KwaZulu-Natal Department of Health or with another public body are necessary or desirable and the Information Officer can not reasonably be expected to complete the consultations within the initial 30 days; or
- d) the requestor consents in writing to the extension.

15. MANDATORY REFUSAL OF REQUEST FOR ACCESS TO RECORD

The Information Officer/ Deputy Information Officer must refuse access to a record

where a request for access to information would involve disclosure of:

- a) personal information about a third party;
- b) trade secrets of a third party;
- c) financial, commercial, scientific or technical information, other than trade secrets, if the disclosure of the information is likely to cause harm to the commercial or financial interests of a third party;
- d) information which is a computer program owned by a private body;
- e) information supplied in confidence by a third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition;
- f) information which would be a breach of duty of a confidence owed to a third party;
- g) information which could reasonably be expected to endanger the life or physical safety of an individual;
- h) a record if access to the record is prohibited in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
- i) information which is privileged from production in legal proceedings unless the affected person has waived the privilege, which means the affected person must consent in writing to the release of the information; or
- j) information about research being carried out or likely to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose the third party, person carrying out the research or subject matter of the research to serious disadvantage.

16. DISCRETIONARY REFUSAL OF REQUEST FOR ACCESS TO RECORD

16.1 The Information Officer/ Deputy Information Officer may refuse access to a record where a request for access to information would involve disclosure of:

- a) information supplied in confidence by a third party, the disclosure of which could reasonably be expected to prejudice the supply of similar information or information from the same source and it is in the public interest that similar information or information from the same source should continue to be supplied;
- b) information, the disclosure of which would be likely to impair:
 - i) the security of a building, structure or system, which may be a computer system, means of transport or any other property; or
 - ii) methods, systems, plan or procedures for the protection of an individual in a witness protection scheme, the safety of the public or the security of

property;

- c) a record containing the methods, techniques or guidelines for the prevention, detection, curtailment or investigation of a contravention or possible contravention of law or prosecution of an alleged offender;
- d) a record on the prosecution of an alleged offender where disclosure of the record could reasonably be expected to impede the prosecution or result in a miscarriage of justice;
- e) a record, the disclosure of which could reasonably be expected to:
 - i) prejudice the investigation of a contravention or possible contravention of the law;
 - ii) reveal or enable a person to identify a confidential source of information related to the enforcement or administration of the law;
 - iii) result in the intimidation or coercion of a witness or a person who may be called as a witness in criminal or other proceedings to enforce the law;
 - iv) of a contravention of the law; or
 - v) prejudice or impair the fairness of a trial or the impartiality of an adjudication;
- f) information, the disclosure of which could cause prejudice to the defence, security or international relations of the Republic of South Africa;
- g) information, the disclosure of which is likely to materially jeopardise the economic or financial interests of the Republic of South Africa or the ability of the government to manage the economy of the Republic of South Africa effectively;
- h) information, which:
 - i) contains trade secrets of the state or a public body;
 - ii) contains financial, commercial, scientific or technical information, other than trade secrets, the disclosure of which would be likely to cause harm to the commercial or financial interests of the state or a public body;
 - iii) could put a public body at a disadvantage in contractual or other relations or prejudice a public body in commercial competition;
 - iv) is a computer program, defined in the Copyright Act, 1978 (Act No. 98 of 1978), owned by the state or a public body;

- i) information about research being carried out or likely to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose a public body, person carrying out the research or subject matter of the research to serious disadvantage; or
- j) information about a record of a public body which contains an opinion, advice, report or recommendation obtained or prepared or an account of a consultation, discussion, deliberation or minutes of a meeting on the formulation of a policy or taking a decision in the exercise of a power or performance of a duty conferred by law if disclosure could reasonably be expected to frustrate the deliberative process or success of the policy.

16.2 In the case of requests for medical records of patients –

(a) the Information Officer or Deputy Information Officer may, in terms of section 30 of PAIA, consult with the relevant health care practitioner regarding the granting of access to a record where he or she is of the opinion that granting access to the record may cause serious harm to a person's physical or mental health or well-being;

(b) if the health care practitioner is of the opinion that granting access to the record would be likely to cause serious harm to the person's physical or mental health or well-being, the Information Officer or Deputy Information Officer may grant access to the record only where the requestor proves that adequate provision has been made for counselling or other arrangements have been made to limit, alleviate or avoid the harm.

- 16.3 The Information Officer or Deputy Information Officer may refuse a request for access to a record if the request is manifestly frivolous or vexatious or the work involved in processing the request would substantially and unreasonably divert the resources of the KwaZulu-Natal Department of Health.

17. DEEMED REFUSAL OF REQUEST FOR INFORMATION

- 17.1 If the Information Officer or a Deputy Information Officer fails to give a decision on a request for access within 30 days, the Information Officer is deemed to have refused the request.

18. INTERNAL APPEAL

- 18.1 A requestor may lodge an internal appeal:

- a) against –
 - i) a refusal of a request;
 - ii) a decision of the Information Officer or a Deputy Information Officer who has refused a request for access; or
 - iii) a deemed refusal of a request.
- b) with respect to the prescribed request fee;
- c) against an extension of period to deal with a request; or
- d) the form of access to a record.

- 18.2 A third party may also lodge an internal appeal against a decision to grant a request for access to a requestor.

- 18.3 An internal appeal must be lodged on the prescribed **Form B (Annexure E)** within 60 days

of the date on which the Information Officer or Deputy Information Officer communicates his or her decision to the requestor.

- 18.4 A requestor who has lodged an internal appeal and is not satisfied with the decision of the Department may make an application for appropriate relief to a court, in terms of section 78 of PAIA, within 30 days of the decision of the internal appeal. A requester or third party referred may only apply to a court for appropriate relief in terms of section 82 of PAIA after that requester or third party has exhausted the internal appeal procedure against a decision of the information officer.



health

Department:
Health
PROVINCE OF KWAZULU-NATAL

**KWAZULU-NATAL DEPARTEMENT VAN
GESONDHEID
HANDLEIDING INSAKE DIE
WET OP BEVORDERING VAN TOEGANG TOT
INLIGTING, 2000
(WET NO. 2 VAN 2000)**

Hierdie handleiding is ook beskikbaar in isiZulu en Engels

INHOUDSOPGAWE

1. Inleiding
2. Magtiging en Funksies van die KwaZulu-Natal Departement van Gesondheid
3. Organisasionele Struktuur van die KwaZulu-Natal Departement van Gesondheid
4. Kontak Besonderhede van die KwaZulu-Natal Departement van Gesondheid en Inligtingsbeampte
5. Gids, ingevolge Artikel 10 van "Die Wet", ontwikkel deur die Mense Regte Kommissie
6. Toegang tot inligting van die KwaZulu-Natal Departement van Gesondheid
7. Prosedure om te volg vir die aanvraag van toegang tot rekords van die KwaZulu-Natal Departement van Gesondheid
8. Rekord kan nie gevind word nie
9. Oordrag van 'n Aanvraag vir toegang tot 'n Rekord
10. Fooie betaalbaar vir Aanvraag tot Rekords
11. Uitstel van Toegang tot 'n Rekord
12. Tydsberaming en Kennis aan 'n Versoeker
13. Weiering van Toegang tot 'n Rekord
14. Verlenging van tydperk om te besluit oor versoek
15. Voorskriftelike Weiering van Aanvraag tot 'n Rekord
16. Diskresionele Weiering van Versoek vir Toegang tot 'n Rekord
17. Weiering Geag op Versoek tot Inligting
18. Interne Appèl

Bylae

1. Bylae “A” – Skematiese Diagram van die KwaZulu-Natal Departement van Gesondheid
2. Bylae “B1” – Kontak Besonderhede van die Provinsiale Hospitale van die KwaZulu-Natal Departement van Gesondheid
3. Bylae “B2” – Kontak Besonderhede van die Distrik Kantore van die KwaZulu-Natal Departement van Gesondheid
4. Bylae “B3” – Kontak Besonderhede van die Gemeenskaps Gesondheid Sentrums van die KwaZulu-Natal Departement van Gesondheid
5. Bylae “C” – Vorm A (Aansoek om Toegang tot Inligting)
6. Bylae “D” – Fooie Betaalbaar vir Toegang tot ‘n Rekord
7. Bylae “E” – Vorm B (Interne Appèl)

1. INLEIDING

Die Wet op Bevordering van Toegang tot Inligting, 2000 (Wet No. 2 van 2000), (hierna genoem "Die Wet") was uitgevaardig in terme van Artikel 32 van die Grondwet van die Republiek van Suid-Afrika ("Die Konstitusie"), wat bepaal dat -

"(1) Enige persoon die reg het tot toegang van –

(a) inligting wat deur die Staat behou word; en

(b) enige inligting wat deur enige ander persoon gehou word, waar hierdie inligting verlang word vir die uitoefening en/of beskerming van enige reg.

(2) Nasionale wetgewing moet verorden word om aan hierdie reg gevolg te gee, en kan voorsiening maak vir redelike maatreëls om die administratiewe en finansiële las op die Staat te verlig."

Die doel van "Die Wet" is om 'n gemeenskap te bevorder, waarin die burgers van Suid-Afrika toegang het tot inligting wat hulle in staat sal stel om hulle Grondwetlike reg effektief te beoefen en te beskerm.

"Die Wet" is op 2 Februarie 2000 deur Parlement aangeneem in ooreenstemming met Artikel 32 van die Grondwet, om gevolg te gee aan die regte wat daarin vasgelê is. Met uitsondering van Artikels 10, 14, 16 en 51, het "Die Wet" effek geneem op 9 Maart 2000, met die oorblywende Artikels wat op 15 Februarie 2002, effek geneem het.

"Die Wet" mag deur enige persoon gebruik word, wat inligting verlang van 'n openbare of privaat liggaam binne in die Republiek. In terme van "Die Wet", word die persoon wat toegang tot inligting versoek, die "versoeker" genoem.

Daar is 'n vereiste dat elke openbare en privaat liggaam 'n handleiding sal saamstel, in ten minste 3 (drie) van die amptelike tale van Suid Afrika, waarin daar verduidelik word hoe "Die Wet" gebruik kan word om toegang tot inligting te bekom.

Hierdie handleiding is saamgestel om bystand te verleen aan enige versoeker wat inligting wil bekom van die KwaZulu-Natal Departement van Gesondheid, wat 'n openbare liggaam is. Hierdie Handleiding is beskikbaar in Afrikaans, isiZulu en Engels.

Let wel, hierdie Handleiding bevat nie inligting oor hoe om 'n versoek aan ander openbare en privaat liggame te rig nie. Indien 'n versoeker 'n versoek aan 'n ander openbare (buiten die KwaZulu-Natal Departement van Gesondheid) of privaat liggaam wil rig, moet die versoeker 'n afskrif van die handleiding van daardie spesifieke openbare of privaat liggaam aanvra.

Hierdie Handleiding is in afdelings opgedeel, om dit vir die versoeker te vergemaklik.

2. MAGTIGING EN FUNKSIES VAN DIE KWAZULU-NATAL DEPARTEMENT VAN GESONDHEID

- 2.1. Die KwaZulu-Natal Departement van Gesondheid vorm deel van die KwaZulu-Natal Provinsiale Regering en die doel is om 'n volhoudende, ge-koördineerde en algehele gesondheidsstelsel op alle vlakke te ontwikkel, binne die Provinsie van KwaZulu-Natal, wat op Primêre Gesondheids Sorg gebaseer is.

Die Departement se visie is om optimale gesondheidsstatus vir alle persone in die Provinsie van KwaZulu-Natal te bekom. Die kernwaardes van die Departement is:

- vertrouwe wat op die waarheid, integriteit en rekonsiliasie gebou is;
- oop kommunikasie, deursigtigheid en konsultasie;
- toewyding tot prestasie; en
- die vrywilligheid om te leer, te verander en te hernu.

- 2.2 Om die KwaZulu-Natal Departement van Gesondheid se visie, missie en kernwaardes te bereik, is die Departement verantwoordelik vir die ontwikkeling en implementering van nasionale en provinsiale gesondheids beleid, norme, raamwerke en standaarde, binne die Provinsie se beskikbare bronne, om die toegang tot progressiewe gesondheidsdienste te verwesenlik. Die Departement is verantwoordelik om toeganklike en algehele provinsiale, openbare gesondheidsdienste te verskaf. Die Departement is toegewyd aan deursigtigheid in die ontwikkeling en implementering van gesondheidsbeleid en praktyke.

2.3 Wetgewende Mandaat van die KwaZulu-Natal Departement van Gesondheid

Die wetgewende mandaat van die KwaZulu-Natal Departement van Gesondheid is saamgevat in, onder andere, die volgende wetgewing –

Wet op Abattoir Higiëne, 1992 (Wet No. 121 van 1992)

Wet op Basiese Onderwys en Opleiding van Volwassenes, 2000 (Wet No. 52 van 2000)

Wet op Lugkwaliteit, 2004 (Wet No. 39 van 2004)

Wet op Basiese Diensvoorwaardes, 1997 (Wet No. 75 van 1997)

Wet op Registrasie van Geboortes en Sterftes, 1992 (Wet No. 51 van 1992)

Wet op Swart Ekonomiese Bemagtiging, 2003 (Wet No. 53 van 2003)

Kinderwet, 2005 (Wet No. 38 van 2005)

Chiropraktisyns, Homeopate en Verwante Gesondheidsberoep Wysigingswet, 1995

(Wet No. 40 van 1995)

Wet op Keuse oor Beëindiging van Swangerskap, 1996 (Wet No. 92 van 1996)

Wet op Vergoeding vir Beroepsbeserings en Siekte, 1993 (Wet No. 130 van 1993)

Grondwet van die Republiek van Suid-Afrika

Wet op die Raad van Mediese Skema Bydraes, 2000 (Wet No. 58 van 2000)

Wet op Tandtegniesie, 1979 (Wet No. 19 van 1979)

Wet op Elektroniese Kommunikasies en Transaksies, 2002 (Wet No. 25 van 2002)

Wet op Billike Indiensneming, 1998 (Wet No. 55 van 1998)

Wet op Voedingsmiddels, Skoonmaakmiddels en Ontsmettingsmiddels, 1972 (Wet No. 54 van 1972)

Wet op Geneties Gemanipuleerde Organismes, 1997 (Wet No. 15 van 1997)

Wet op Gevaarhoudende Stowwe, 1973 (Wet No. 15 van 1973)

Wet op Gesondheidsberoep, 1974 (Wet No. 56 van 1974)

Wet op Hoër Onderwys, 1997 (Wet No. 101 van 1997)

Wet op Menslike Weefsel, 1983 (Wet No. 65 van 1983)

Wet op Geregtelike Doodsondersoeke, 1959 (Wet No. 58 van 1959)

Wet op die Raamwerk vir Interowerheidsverhoudinge, 2005 (Wet No. 13 van 2005)

KwaZulu-Natal Wet op Begraafplase en Krematoriums, 1996 (Wet No. 12 van 1996)

KwaZulu-Natal Provinsiale Argiefwet, 2000 (Wet No.5 van 2000)

Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995)

Drankwet, 2003 (Wet No. 59 van 2003)

Wysigingswet op Geneeshere, Tandartse en Aanvullende Gesondheidsberoep, 1995 (Wet No. 18 van 1995)

Wet op Mediese Skemas, 1998 (Wet No. 131 van 1998)

Wet op Beheer van Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 1965)

Wet op Geestesgesondheidsorg, 2002 (Wet No. 17 van 2002)

Nasionale Argiewe Wet van Suid-Afrika, 1996 (Wet No. 43 van 1996)

Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet No. 103 van 1977)

Nasionale Gesondheidswet, 2003 (Wet No. 61 van 2003)

Wet op Nasionale Gesondheids Laboratorium Dienste, 2000 (Wet No. 37 van 2000)

Wet op Verpleging, 2005 (Wet No. 33 van 2005)

Wet op Aptekers, 1974 (Wet No. 53 van 1974)

Verjaringswet, 1969 (Wet No. 68 van 1969)

Wet op Voorkoming en Behandeling van Dwelmafhanklikheid, 1992 (Wet No. 20 van 1992)

Wet op Bevordering van Toegang tot Inligting, 2000 (Wet No. 2 van 2000)

Wet op Bevordering van Gelykheid en Voorkoming van Onbillike Diskriminasie, 2000 (Wet No. 4 van 2000)

Wet op Bevordering van Administratiewe Geregtigheid, 2000 (Wet No. 3 van 2000)

Wet op Beskermende Bekendmakings, 2000 (Wet No. 26 van 2000)

Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999)

Wet op die Openbare Beskermer, 1994 (Wet No. 23 van 1994)

Staatsdienswet (Proklamasie 103 van 1994)

Padongelukkefondswet, 1996 (Wet No. 59 van 1996)

Wet op Ontwikkeling van Vaardighede, 1998 (Wet No. 97 van 1998)

Wet op Heffings vir die Ontwikkeling van Vaardighede, 1999 (Wet No. 9 van 1999)

Wet op die Suid-Afrikaanse Kwalifikasie-Owerheid, 1995 (Wet No. 58 van 1995)

Wet op die Staatsinligtingstechnologie Agentskap, 2002 (Wet No. 38 van 2002)

Sterilisasiwet, 1998 (Wet No. 44 van 1998)

Wet op Tradisionele Gesondheidspraktisyns, 2007 (Wet No. 22 van 2007)

Wet op die Beheer van Tabakprodukte, 1993 (Wet No. 83 van 1993)

2.4 Funksies van die KwaZulu-Natal Departement van Gesondheid

2.4.1 Die KwaZulu-Natal Departement van Gesondheid het drie kern funksies:

- a) die distriksgesondheidstelsel;
- b) nood mediese reddingsdienste; en
- c) institusionele ondersteuningsdienste, wat insluit, maar nie beperk is tot administrasie en bestuur van distrikte, plaaslike tersiêre en gespesialiseerde hospitale nie.

2.4.2 Die KwaZulu-Natal Departement van Gesondheid val binne die portefeulje van die Lid van die KwaZulu-Natal Uitvoerende Raad d.w.s. die LUR van Gesondheid. Die Hoof van die Departement is die rekenpligtige beampte vir die KwaZulu-Natal Departement van Gesondheid en is verantwoordelik vir die algehele administrasie en bestuur van die Departement. Die Departement se hoof administratiewe kantore is geleë in Pietermaritzburg, met addisionele gesondheids distrik kantore geleë regdeur die Provinsie soos voorgeskryf in punt 7 van hierdie Handleiding.

2.4.3 Die gesondheids distrikte is verantwoordelik vir die bestuur en administrasie van die distrik gesondheidstelsel.

2.4.4 Die KwaZulu-Natal Departement van Gesondheid het ook 'n verskeidenheid gemeenskaps gesondheidsdienste wat geadministreer word deur die gesondheids distrikte wat in hierdie afdeling genoem word.

2.4.5 Die distrik gesondheidstelsel is gebaseer op die voorsiening van algehele provinsiale gesondheids dienste, wat primêre gesondheidsdienste insluit. Die eerste kontakpunt vir openbare gesondheidsdiens verbruikers, is die kliniek wat in die geografiese area geleë is van daardie gesondheidsdiens verbruiker. Die gesondheidsdiens verbruiker word behandel by die kliniek in sy/haar area, afhangend van die vereistes van daardie gesondheidsdiens verbruiker. 'n Gesondheidsdiens verbruiker mag na 'n gemeenskaps gesondheidsentrum verwys word, indien 'n kliniek nie daardie gesondheidsdiens verbruiker kan help nie. Indien die gemeenskaps gesondheidsentrum dan nie die openbare gesondheidsdiens verbruiker kan help nie, mag daardie gesondheidsdiens verbruiker na 'n distrik hospitaal verwys word.

2.4.6 Indien 'n distrik hospitaal nie 'n openbare gesondheidsdiens verbruiker kan

help nie, kan hy/sy na 'n streekshospitaal verwys word vir behandeling. Indien die streekshospitaal nie die gesondheidsdiens verbruiker kan help nie, kan hy/sy na 'n provinsiale tersiêre hospitaal verwys word wat deur algemene en spesialisiese personeel beman word. Indien die provinsiale tersiêre hospitaal nie die gesondheidsdiens verbruiker kan help nie, kan hy/sy na 'n sentrale hospitaal verwys word wat multi-spesialiteits kliniese dienste verskaf. 'n Openbare gesondheidsdiens verbruiker mag ook na 'n gespesialiseerde hospitaal verwys word, wat hospitale insluit wat spesialiseer in kroniese sielkunde, herstellende siektes, tuberkulose, gespesialiseerde ruggraat beserings of akute aansteeklike sorg.

2.4.7 Nood mediese reddingsdienste word deur die KwaZulu-Natal Departement van Gesondheid aangebied deur die KwaZulu-Natal Nood Mediese Reddingsdienste.

2.4.8 Die KwaZulu-Natal Departement van Gesondheid bied 'n verskeidenheid gemeenskaps gesondheidsdienste aan wat deur die gesondheids distrikte ge-administreer word en sluit in:

- a) Kroniese Siektes en Geriatrie
- b) Oordraagbare Siekte Beheer
- c) Omgewingsgesondheid
- d) Gesondheidsbevordering
- e) Moeder, Kind en Vroue Gesondheid
- f) Geestesgesondheid
- g) Voeding
- h) Beroepsgesondheid en-veiligheid
- i) Mondgesondheid
- j) Rehabilitasie

3. ORGANISASIONELE STRUKTUUR VAN DIE KWA-ZULU-NATAL DEPARTEMENT VAN GESONDHEID

Die huidige organisasionele struktuur/skematiese diagram vir die Departement is aangeheg as Bylae "A" tot hierdie handleiding.

4. KONTAK BESONDERHEDE VIR DIE KWAZULU-NATAL DEPARTEMENT VAN GESONDHEID INLIGTINGSBEAMPTES

4.1 Die Inligtingsbeampte vir die KwaZulu-Natal Departement van Gesondheid is Dr S.M. Zungu, ook die Hoof van die Departement. Addisionele Adjunk-Inligtingsbeamptes (AIB's) sal mettertyd aangewys word. Hierdie Handleiding sal dienooreenkomstig opgedateer word om die besonderhede van die nuwe AIB's in te sluit.

4.2 Die Departement se fisiese adres is:

***KwaZulu-Natal Departement van Gesondheid
Natalia Gebou
Langalibalele Straat 330
Pietermaritzburg
3201***

- 4.3 Die Departement se posadres is:

**KwaZulu-Natal Departement van Gesondheid
Privaatsak X9051
Pietermaritzburg
3200**

- 4.4 Die Departement se hoof telefoon nommer is (033) 395 2111. Versoekers wat aansoek doen om inligting van die Departement, kan 'n faks stuur aan die Algemene Bestuurder: Regsdiens Eenheid op nommer: (033) 342 5471.

- 4.5 Die e-pos adres vir versoekers wat inligting van die Departement versoek is: monica.wilson@kznhealth.gov.za

- 4.6 Die kontak besonderhede vir die Provinsiale Hospitale van die KwaZulu-Natal Departement van Gesondheid is aangeheg as Bylae "B1" tot hierdie Handleiding.

- 4.7 Die kontak besonderhede vir die Distrik Kantore van die KwaZulu-Natal Departement van Gesondheid is aangeheg as Bylae "B2" tot hierdie Handleiding.

- 4.8 Die kontak besonderhede vir die Gemeenskaps Gesondheid Sentrums van die KwaZulu-Natal Departement van Gesondheid is aangeheg as Bylae "B3" tot hierdie Handleiding.

5. GIDS, INGEVOLGE ARTIKEL 10 VAN "DIE WET", ONTWIKKEL DEUR DIE MENSE REGTE KOMMISSIE

- 5.1 'n Gids op hoe om die Wet op Bevordering van Toegang tot Inligting te gebruik, is gepubliseer deur die Suid-Afrikaanse Mense Regte Kommissie en is beskikbaar vanaf hulle webtuiste te www.sahrc.org.za. Hierdie gids verskaf inligting op, onder andere:

- a) Die bepalings en doel van "Die Wet";
- b) Die adres en kontak besonderhede van alle Inligtingsbeamptes in die Republiek van Suid-Afrika;
- c) Die prosedures vir aanvraag van inligting;
- d) Die bystand wat kan verwag word van die Inligtingsbeamptes en die Mense Regte Kommissie;
- e) Die prosedures vir appèl;
- f) Die aard van die rekords wat aangevra kan word; en
- g) Die fooie betaalbaar vir die aanvraag van inligting.

- 5.2 Die kontak besonderhede vir die Suid-Afrikaanse Mense Regte Kommissie is –

**Die Suid-Afrikaanse Mense Regte Kommissie
Bevordering van Toegang tot Inligting Eenheid
Privaat Sak X2700
Houghton
2041
Tel: (011) 484 8300
Faks: (011) 484 7149**

KwaZulu-Natal Kantore:
1^{ste} Vloer, Victoria Embankment 136
Durban
Tel: (031) 304 7323/4/5
Faks: (031) 304 7323
Kontak Persoon: Mduduzi Sibisi (e-pos: msibisi@sahrc.org.za)

6. TOEGANG TOT INLIGTING VAN DIE KWAZULU-NATAL DEPARTEMENT VAN GESONDHEID

6.1 Onderwerpe en kategorieë van rekords en inligting wat deur die Departement gehou word en automatiese beskikbare rekords –

6.1.1 Die onderwerpe en kategorieë van rekords wat deur die KwaZulu-Natal Departement van Gesondheid gehou word, is as volg –

- (a) Finansiële rekords van die Departement
- (b) Audit verslae
- (c) Strategiese- en jaarlikse verslae
- (d) Verkrygings rekords
- (e) Wetgewing van toepassing op die Departement
- (f) Agendas en notules van vergaderings van die Departement
- (g) Publikasies van die Departement
- (h) Interne beleid van die Departement
- (i) Statutêre rekords
- (j) Gesondheids navorsings verslae
- (k) Litigasie rekords
- (l) Staatskoerante
- (m) Billike Indiensneming Planne
- (n) Register katalogus van lêers
- (o) Personeelrekords van werknemers van die Departement

6.1.2 Die volgende kategorieë van rekords van die KwaZulu-Natal Departement van Gesondheid is automaties beskikbaar, in terme van “Die Wet”, sonder dat ‘n versoeker toegang daarvoor hoef aan te vra –

- a) Jaarlikse verslae van die Departement
- b) Jaarlikse finansiële state en verslae van die Departement
- c) Jaarlikse Prestasie Plan van die Departement
- d) Toesprake van die LUR vir Gesondheid, KwaZulu-Natal
- e) Strategiese Planne vir die Departement van Gesondheid
- f) Epidemiologiese profiel van KwaZulu-Natal
- g) Departementele Handleidings en Prosedures
- h) Departementele materiaal op bevordering en bewustheid van gesondheid
- i) Mediavrytellings van die Departement
- j) Nuusbriewe van die Departement

6.1.3 Party van die automatiese beskikbare dokumente is vrylik toeganklik vanaf die KwaZulu-Natal Departement van Gesondheid se webtuiste te www.kznhealth.gov.za

7. PROSEDURES OM TE VOLG VIR DIE AANVRAAG VAN TOEGANG TOT 'N REKORD VAN DIE KWAZULU-NATAL DEPARTEMENT VAN GESONDHEID

- 7.1 Sou 'n versoeker toegang tot 'n rekord van die KwaZulu-Natal Departement van Gesondheid verlang, moet hy of sy 'n skriftelike versoek, insluitend die voorgeskrewe fooi, rig aan die Inligtingsbeampte, wie se kontak besonderhede aangebring is onder punt 3 in hierdie Handleiding.
- 7.2 'n Versoeker wat graag 'n versoek wil rig, moet gebruik maak van **Vorm A**, wat ingesluit is in hierdie Handleiding as Bylae "C". **Vorm A** kan ook bekom word vanaf die Departement van Gesondheid se webtuiste te www.kznhealth.gov.za of 'n afskrif mag aangevra word vanaf Mev. M. Wilson te (033) 395 2744.
- 7.3 Die versoeker moet genoeg inligting verskaf op **Vorm A** om die Inligtingsbeampte in staat te stel om die volgende te identifiseer –
- a) die rekord wat aangevra word, 'n beskrywing van die rekord, 'n verwysings nommer (indien enige) en enige verdere besonderhede oor die rekord moet deur die versoeker verskaf word;
 - b) alle kontak besonderhede van die versoeker moet verskaf word; en
 - c) die vorm van toegang wat die versoeker verlang, dit is, indien die:
 - i) rekord in geskrewe of gedrukte vorm is, of die versoeker afskrifte wil maak van die rekord of dit net wil nagaan;
 - ii) rekord in visuele beeld voorkom, wat foto's, skyfies, video opnames, rekenaar gegenereerde beelde of sketse kan wees, of die versoeker die beelde wil nagaan, afskrifte maak daarvan of transkripsies van die beelde wil bekom;
 - iii) rekord 'n opname is van woorde of inligting wat deur klank geproduseer kan word, of die versoeker na die klankbaan wil luister of 'n skriftelike of gedrukte transkripsie van die klankbaan wil bekom; of
 - iv) rekord op 'n rekenaar gehou word of in elektroniese formaat, of die versoeker 'n gedrukte afskrif van die rekord, 'n gedrukte afskrif van inligting verkry vanaf die rekord of 'n afskrif in elektroniese leesbare vorm, wil bekom.
- 7.4 Die versoeker moet ook aandui in watter taal hy/sy die rekord wil bekom. Sou die rekord nie beskikbaar wees in die taal wat die versoeker verkies nie, mag toegang tot die rekord gegee word in die taal waarin die rekord beskikbaar is.
- 7.5 'n Versoeker wat ongeletterd is of andersins nie in staat is om 'n skriftelike versoek vir toegang tot 'n rekord te rig nie, vir watter rede ookal, moet deur die Inligtingsbeampte of Adjunk-Inligtingsbeampte bygestaan word om die versoek in skrif aan te bring op die voorgeskrewe vorm, waarvan 'n afskrif aan die versoeker gegee moet

word.

- 7.6 Die Inligtingsbeampte of Adjunk-Inligtingsbeampte moet 'n persoon, wat redelike bystand nodig het om aanvraag te maak op 'n rekord, bystand bied. Bystand moet gratis gebied word.
- 7.7 Na die indiening van die versoek deur die versoeker, moet die Inligtingsbeampte of Adjunk-Inligtingsbeampte die aansoek binne 30 dae vanaf die datum van ontvangs van die versoek, verwerk.

8. REKORD KAN NIE GEVIND WORD NIE

Indien 'n rekord nie gevind kan word nie, moet die Inligtingsbeampte of Adjunk-Inligtingsbeampte, by wyse van beëdigde verklaring of bevestiging, die versoeker in kennis stel dat dit nie moontlik is om toegang te gee tot die rekord nie.

9. OORDRAG VAN 'N AANVRAAG VIR TOEGANG TOT 'N REKORD

- 9.1 Die Inligtingsbeampte of Adjunk-Inligtingsbeampte mag die aanvraag aan die relevante liggaam oordra waar die aangevraagde rekord:
- a) nie onder die beheer van die KwaZulu-Natal Departement van Gesondheid is nie;
 - b) meer ten nouste verbind is met die funksies van 'n ander openbare liggaam; of
 - c) kommersiële inligting bevat waarin 'n ander openbare liggaam 'n groter belangstelling het.
- 9.2 'n Oordrag van aanvraag moet deur die Inligtingsbeampte / Adjunk-Inligtingsbeampte gemaak word binne 14 dae vanaf die versoek ontvang is en die Inligtingsbeampte / Adjunk-Inligtingsbeampte moet die versoeker in kennis stel van die oordrag van die versoek, die rede vir die oordrag en die tydperk waarin die versoek aangespreek moet word.

10. FOOIE BETAALBAAR VIR TOEGANG TOT REKORDS

- 10.1 Die aanvanklike fooi betaalbaar deur 'n versoeker, buiten 'n persoonlike versoeker, vir 'n rekord is soos aangedui in Bylae "D" tot hierdie Handleiding. 'n Persoonlike versoeker is 'n persoon wat inligting oor hom of haarself versoek, en hoef nie die aanvanklike fooi te betaal nie. Alle versoekers, behalwe diegene wat vrygestel is in terme van Artikel 22(8)(a) van "Die Wet", moet die voorgeskrewe fooie betaal om 'n rekord te bekom.
- 10.2 Waar 'n versoeker 'n appèl wil dien teen betaling van die aanvanklike fooi, mag die versoeker 'n aansoek rig aan die hof teen die betaling van die fooi.

11. UITSTEL VAN TOEGANG TOT 'N REKORD

Toegang mag uitgestel word waar 'n rekord nog nie beskikbaar is nie.

12. TYDRAAMWERKE EN KENNIS AAN 'N VERSOEKER

Die Inligtingsbeampte / Adjunk-Inligtingsbeampte moet binne 30 dae besluit om die versoek toe te staan en moet dan kennis aan die versoeker stuur. Waar toegang toegestaan word, moet die kennisgewing aandui:

- a) dat die toegangsfooi, indien enige, betaal moet word sodra toegang verleen word;
- b) die vorm waarin toegang verleen word; en
- c) dat die versoeker 'n interne appèl mag rig aan die Departement of 'n aansoek aan die hof mag rig teen die betaalbare toegangsfooi of die vorm waarin die toegang toegestaan is.

13. WEIERING VAN TOEGANG TOT 'N REKORD

As toegang tot 'n rekord nie toegestaan mag word nie, moet die kennisgewing deur die Inligtingsbeampte or Adjunk-Inligtingsbeampte:

- a) voldoende redes gee vir die weiering;
- b) uitsluitend van die redes, enige verwysing na die inhoud van die rekord; en
- c) meld dat die versoeker 'n interne appèl mag indien by die Departement of 'n aansoek mag rig aan die hof teen die weiering van 'n versoek, en die versoeker in kennis stel van die prosedure wat gevolg moet word om 'n interne appèl of aansoek in te dien.

14. VERLENGING VAN DIE TYDPERK OM TE BESLUIT OOR DIE VERSOEK

Die Inligtingsbeampte / Adjunk-Inligtingsbeampte mag die periode van 30 dae, waarin daar besluit moet word oor die versoek, verleng indien:

- a) die versoek vir 'n groot aantal rekords is en voldoening sal onredelik inmeng met die aktiwiteite van die KwaZulu-Natal Departement van Gesondheid;
- b) die versoek 'n soektog verg, of 'n versameling van rekords in 'n kantoor wat nie in dieselfde dorp of stad geleë is as die Inligtingsbeampte / Adjunk-Inligtingsbeampte nie, en dat daar nie verwag kan word dat die Inligtingsbeampte / Adjunk-Inligtingsbeampte die versoek binne die aanvanklike 30 dae kan voltooi nie;
- c) konsultasies noodsaaklik is tussen afdelings van die KwaZulu-Natal Departement van Gesondheid en enige ander openbare liggaam en dat daar nie verwag kan word dat die Inligtingsbeampte hierdie konsultasies kan voltooi binne die aanvanklike 30 dae nie; of
- d) dat die versoeker skriftelik tot die verlenging toestem.

15. VOORSKRIFTELIKE WEIERING VAN AANVRAAG TOT 'N REKORD

Die Inligtingsbeampte / Adjunk-Inligtingsbeampte moet toegang tot 'n rekord weier, wanneer die aanvraag vir toegang tot inligting die openbaarmaking sal insluit van:

- a) persoonlike inligting van 'n derde party;
- b) handelsgeheime van 'n derde party;
- c) finansiële, kommersiële, wetenskaplike of tegniese inligting, buiten handelsgeheime, waarvan die openbaarmaking van hierdie inligting waarskynlik leed sal aanrig tot die kommersiële of finansiële belange van 'n derde party;
- d) inligting, wat 'n rekenaar program is, wat deur 'n privaat liggaam besit word;
- e) inligting wat vertroulik deur 'n derde party verskaf is, waarvan die openbaarmaking daarvan rederlikerwys verwag kan word om die derde party tot 'n nadeel te plaas in kontraktuele of ander onderhandelinge, of afbreuk te maak aan die derde party in kommersiële mededinging;
- f) inligting wat 'n skending van die plig van 'n vertroue is, verskuldig aan 'n derde party;
- g) inligting wat rederlikerwys verwag kan word om 'n individu se lewe of fisiese veiligheid in gevaar te stel;
- h) 'n rekord, indien toegang tot die rekord verbied word in terme van die Strafproseswet, 1977 (Wet No. 51 van 1977);
- i) inligting wat geprivilegieerd is van voorlegging in geregtelike verrigtinge tensy die geaffekteerde persoon die voorreg kwytgeskeld het, wat beteken dat die geaffekteerde persoon skriftelike toestemming moet gee om die inligting bekend te maak; of
- j) inligting oor navorsing wat uitgevoer word of waarskynlik uitgevoer sal word deur of namens 'n derde party, waarvan die openbaarmaking daarvan waarskynlik die derde party sal blootstel, of die persoon wat die navorsing uitvoer of die onderwerp van die navorsing tot 'n ernstige nadeel sal plaas.

16. DISKRESIONELE WEIERING VAN AANVRAAG TOT TOEGANG TOT 'N REKORD

16.1 Die Inligtingsbeampte / Adjunk-Inligtingsbeampte mag toegang tot 'n rekord weier waar toegang tot inligting die openbaarmaking sal insluit van:

- a) inligting wat in vertroue verskaf is deur 'n derde party, waarvan die openbaarmaking daarvan rederlikerwys verwag kan word om die verskaffing van soortgelyke inligting of inligting van dieselfde bron wat in die openbare belang is dat soortgelyke inligting of inligting van dieselfde bron aanhou verskaf word, te benadeel;
- b) inligting, waarvan die openbaarmaking waarskynlik 'n nadeel sal hê op:

- i) die sekuriteit van 'n gebou, struktuur of stelsel, wat 'n rekenaarsstelsel kan wees, middel van vervoer of enige ander eiendom; of
- ii) metodes, stelsels, plan of prosedures vir die beskerming van 'n individu in 'n getuiebeskermingsprogram, die veiligheid van die publiek of die sekuriteit van eiendom;
- c) 'n rekord van die metodes, tegnieke of handleidings vir die voorkoming, opsporing, besnoeiing of 'n ondersoek van 'n oortreding of moontlike oortreding van die wet of die vervolging van 'n beweerde oortreder;

- d) 'n rekord op die vervolging van 'n beweerde oortreder, waarvan die openbaarmaking daarvan moontlik die vervolging kan belemmer of lei tot 'n miskraam van geregtigheid;
- e) 'n rekord, waarvan die openbaarmaking redelijkerwys verwag kan word om:
 - i) die ondersoek van 'n oortreding of moontlike oortreding van die wet te benadeel;
 - ii) 'n bron te openbaar of 'n persoon in staat te stel om 'n konfidentiële bron te identifiseer wat verwantskap het tot die handhawing of administrasie van die gereg;
 - iii) te lei tot die intimidasie of dwang van 'n getuie of 'n persoon wat as getuie geroep kan word in kriminele of ander verrigtinge om die wet toe te pas;
 - iv) die wet te oortree; of
 - v) 'n verhoor te benadeel, die regverdigheid te verswak of die onpartydigheid van 'n beslissing te beïnvloed;
- f) inligting, waarvan die openbaarmaking die verdediging, sekuriteit of internasionale verhoudings van die Republiek van Suid-Afrika kan benadeel;
- g) inligting, waarvan die openbaarmaking waarskynlik die ekonomiese of finansiële belange van die Republiek van Suid-Afrika, of die vermoë van die regering om die ekonomie van die Republiek van Suid-Afrika te bestuur, wesenlik in gevaar te stel;
- h) inligting, wat:
 - i) handelsgeheime van die staat of 'n openbare liggaam bevat;
 - ii) finansiële, kommersiële, wetenskaplike of tegniese inligting bevat, buiten handelsgeheime, waarvan die openbaarmaking daarvan waarskynlik skade sal aanrig tot die kommersiële of finansiële belange van die staat of openbare liggaam;
 - iii) 'n openbare liggaam kan benadeel in kontraktuele of ander verhoudings of 'n openbare liggaam tot nadeel kan plaas in kommersiële kompetisie;
 - iv) 'n rekenaar program is, soos omskryf in die Wet op Outeursreg, 1978 (Wet No. 98 van 1978), wat deur die staat of openbare liggaam besit word;
- i) inligting oor navorsing wat uitgevoer word of waarskynlik uitgevoer sal word deur of namens 'n derde party, waarvan die openbaarmaking daarvan waarskynlik die openbare liggaam sal blootstel, of die persoon wat die navorsing uitvoer of die onderwerp van die navorsing tot 'n ernstige nadeel sal plaas; of
- j) inligting oor 'n rekord van 'n openbare liggaam wat 'n opinie, advies, verslag of aanbeveling verkry of voorberei, of 'n rekening van 'n konsultasie, bespreking, beraadslaging of notules van vergaderings oor die formulesie van 'n beleid of 'n besluitneming in die uitoefening van gesag, of die uitvoering van 'n plig soos voorgeskryf deur die reg, bevat, waarvan die openbaarmaking daarvan waarskynlik die proses van beraadslaging of die sukses van 'n beleid kan frustreer.

16.2 In die geval van versoeke op mediese rekords van pasiënte –

- (a) mag die Inligtingsbeampte of Adjunk-Inligtingsbeampte, in terme van artikel 30 van “Die Wet”, met die toepaslike gesondheidsorg praktisyn konsulteer aangaande die verlening van

toegang tot 'n rekord, waar hy of sy van die opinie is dat die verlening van toegang tot die rekord ernstige skade tot 'n persoon se fisiese of geestelike gesondheid of welstand kan veroorsaak;

- (b) indien die gesondheidsorg praktisyn van die opinie is dat die verlening van toegang tot 'n rekord waarskynlik ernstige skade kan veroorsaak aan 'n persoon se fisiese of geestelike gesondheid of welstand, mag die Inligtingsbeampte of Adjunk-Inligtingsbeampte slegs toegang tot die rekord verleen waar die versoeker kan bewys dat voldoende voorsiening gemaak is vir berading of ander reëlins getref is wat die skade sal beperk, verlig of vermy.

- 16.3 Die Inligtingsbeampte of Adjunk Inligtingsbeampte mag 'n versoek vir toegang tot 'n rekord weier indien die versoek klaarblyklik ligsinnig of hinderlik is, of die werk wat betrokke is in die verwerking van die versoek aansienlik en onredelik die KwaZulu-Natal Departement van Gesondheid se hulpbronne sal aflei.

17. WEIERING GEAG OP VERSOEK TOT INLIGTING

- 17.1 Indien die Inligtingsbeampte of Adjunk-Inligtingsbeampte versuim om 'n besluit te gee op 'n versoek tot inligting binne 30 dae, het die Inligtingsbeampte weiering geag op die versoek.

18. INTERNE APPÈL

- 18.1 'n Versoeker mag 'n interne appèl indien:

- a) teen –
 - i) 'n weiering van 'n versoek;
 - ii) 'n besluit van die Inligtingsbeampte of Adjunk-Inligtingsbeampte wat versoek tot toegang geweier het; of
 - iii) 'n weiering geag op 'n versoek.
- b) met betrekking tot die voorgeskrewe versoek fooi;
- c) teen 'n verlenging van tydperk om die versoek te hanteer; of
- d) die vorm van toegang tot 'n rekord.

- 18.2 'n Derde party mag ook 'n appèl indien teen 'n besluit wat toegestaan is vir 'n versoek tot toegang aan 'n versoeker.

- 18.3 'n Interne appèl moet op die voorgeskrewe **Vorm B (Bylae "E")** ingedien word binne 60 dae vanaf die datum waarop die Inligtingsbeampte of Adjunk-Inligtingsbeampte sy of haar besluit aan die versoeker gekommunikeer het.

- 18.4 'n Versoeker wat 'n interne appèl ingedien het en nie tevrede is met die besluit van die Departement nie, mag aansoek doen om gepaste regshulp by 'n hof, in terme van artikel 78 van "Die Wet", binne 30 dae van die besluit van die interne appèl. 'n Versoeker of derde party verwys, mag slegs aansoek doen by 'n hof vir gepaste regshulp in terme van artikel 82 van "Die Wet", nadat die versoeker of derde party die interne appèlprosedure teen 'n besluit van die Inligtingsbeampte uitgeput het.



health

Department:
Health
PROVINCE OF KWAZULU-NATAL

UMNYANGO WEZEMPILO KWAZULU NATALI
UMQULU OMAQONDANA
NOKUKHUTHAZWA KOKUFINYELELA
OLWAZINI
UMTHETHO, 2000
(UMTHETHO UNO. 2 WEZI- 2000)

Lo mqulu uyatholakala futhi ngesiNgisi nangesiBhunu

OKUQUKETHWE

1. Isingeniso.
2. Igunya kanye Nemisebenzi yoMnyango Wezempilo KwaZulu Natali.
3. Uhlaka loMumo Wesikhungo soMnyango Wezempilo KwaZulu Natali.
4. Imininingwane yokuxhumana yoMnyango Wezempilo kanye neSikhulu Esibhekelele Ezolwazi.
5. Umhlahlandlela, ngokweSigaba 10 se-PAIA, owasungulwa yiKhomishini Yamalungelo Abantu.
6. Ukutholakala Kolwazi loMnyango Wezempilo KwaZulu Natali.
7. Inqubo okumele ilandelwe uma kufakwa isicelo sokutholakala kwerekhodi loMnyango Wezempilo KwaZulu Natali.
8. Irekhodi elingatholakali.
9. Ukudluliswa Kwesicelo Sokutholakala kwerekhodi.
10. Imali Ekhokhelwa Ukutholakala kwamarekhodi.
11. Ukuhlehliswa kwesikhathi sokutholakala Kwerekhodi.
12. Izikhathi ezibekiwe kanye neSaziso esiya kulowo ofake isicelo.
13. Ukunqatshwa kokutholakala kwerekhodi.
14. Ukwandiswa kwesikhathi sokuthatha isinqumo mayelana nesicelo.
15. Ukunqatshwa okusemthethweni kwesicelo sokutholakala kwerekhodi.
16. Ukunqatshwa okucongobeziwe kwesicelo sokutholakala kwerekhodi
17. Ukunqatshwa okucatshangwayo kwesicelo solwazi.
18. Ukufaka Isikhalo ngaphakathi.

IZITHASISELO

1. Isithasiselo “A” – Uhlaka Lwabasebenzi boMnyango Wezempilo KwaZulu Natali
2. Isithasiselo “B1” – Imininingwane yokuxhumana yeziBhedlela zesiFundazwe

zoMnyango Wezempilo KwaZulu Natali

3. Isithasiselo “**B2**” – Imininingwane yokuxhumana yamaHhovisi eziFunda oMnyango Wezempilo KwaZulu Natali
4. Isithasiselo “**B3**” – Imininingwane yokuxhumana Yezikhungo Zezempilo Zomphakathi zoMnyango Wezempilo waKwaZulu Natali
5. Isithasiselo “**C**” – Ifomu A (Isicelo Sokuthola Ulwazi)
6. Isithasiselo “**D**” – Imali Ekhokhelwa Ukutholakala kwerekhodi
7. Isithasiselo “**E**” – Ifomu B (Ukudluliswa kwesikhalo ngaphakathi)

1. ISINGENISO

UMthetho Wokukhuthaza Ukufinyelela Olwazini, wezi-2000 (UMthetho uNo.2), ("PAIA") wamenyezelwa ngokwesigaba 32 soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika ("UMthethosisekelo"), ohlinzeka ukuthi -

- "(1) Wonke umuntu unelungelo lokuthola-*
(a) Ulwazi olugcinwe nguhulumeni; kanye
(b) nanoma yiluphi ulwazi olugcinwe ngomunye umuntu futhi oludingeka ekusebenziseni noma ekuvikeleni noma yimaphi amalungelo.
- (2) UMthetho kazwelonke kumele umiswe ukuze unikezele ngaleli lungelo, futhi ungahlinzeka ngezindlela ezifanele ukwehlisa umthwalo kwezokuphatha nezezimali kuhulumeni".*

Inhloso ye-PAIA ukukhuthaza umphakathi lapho izakhamizi zaseNingizimu Afrika zikwazi ukufinyelela olwazini oluzozilekelela ukuba zikwazi ukusebenzisa nokuvikela amalungelo azo oMthethosisekelo.

I-PAIA yaphasiswa yiphalamende mhla zi- 2 kuNhlolanja wezi- 2000 ngokuhambisana nesigaba 32 soMthethosisekelo ukuba iqalise ukusebenza kwamalungelo abalulwe lapho. Ngaphandle kwesigaba 10, 14 no 51, i-PAIA yaqala ukusebenza mhla ziye- 9 kuNdasa wezi-2000, kanye nezigaba ezasilela ezaqala ukusebenza mhla ziye-15 kuNhlolanja wezi- 2002.

I-PAIA ingasetshenziswa yinoma ngubani ofisa ukucela ulwazi esikhungweni sikahulumeni noma isikhungo esizimele esikwiRiphabhulikhi. Ngokwe- PAIA, umuntu ofaka isicelo solwazi ubizwa **"ngomfakisicelo"**.

Zonke izinhlobo zikahulumeni nezizimele kudingeka ukuba zenze umqulu okungenani ngezilimi (ezintathu) 3 ezisemthethweni zaseNingizimu Afrika ochaza ukuthi i-PAIA ingasetshenziswa kanjani ukuthola ulwazi.

Lo mqulu wenzelwa ukuba welekelele abafakizicelo abafisa ukuthola ulwazi eMnyangweni Wezempilo KwaZulu Natali, okuyisikhungo sikahulumeni. Lo mqulu uyatholakala ngesiNgisi, isiZulu nesiBhunu.

Lo mqulu, nokho, awunayo imininingwane yokuthi ungasifaka kanjani isicelo kwesinye isikhungo sikahulumeni noma ezikhungweni ezizimele. Uma ofake isicelo efisa ukufaka isicelo kwesinye isikhungo (Okungewona uMnyango Wezempilo KwaZulu Natali) noma isikhungo esizimele kumele athole ikhophi yalo mqulu esikhungweni esiqondene noma esikhungweni esizimele.

Lo mqulu wehlukaniswe izingxenye ezimbili ukuze welekelele umfakisicelo.

2. IGUNYA NEMISEBENZI YOMNYANGO WEZEMPILO KWAZULU NATALI

- 2.1. UMnyango Wezempilo KwaZulu Natali uyingxenye kaHulumeni wesiFundazwe saKwaZulu Natali futhi inhloso yawo ukuthuthukisa uhlelo lwezempilo olusimeme, oluhlelekile nolubanzi kuwo wonke amazanga, ngokubhekelela uhlelo Olusemqoka Lokunakekela Ngezezempilo, esiFundazweni saKwaZulu Natali.

Umbono woMnyango ukuphumelelisa isimo sezempilo esezingeni kubo bonke abantu besiFundazwe saKwaZulu Natali. Imigomo esemqoka yoMnyango yile:

- Ukwethembana okuyiqiniso,ubuqotho kanye nokubuyisana;
- Ukuxhumana okuvulelekile, ukuba sobala kanye nokubonisana;
- Ukuzibophezela ekwenzeni umsebenzi; kanye
- Nogqozi lokufunda, ukushintsha kanye nokwenza izinguquko ezintsha.

- 2.2 Ukuphumelelisa umbono, impokophelo kanye nemigomo esemqoka yoMnyango Wezempilo KwaZulu Natali, uMnyango ubhekene nokuthuthukisa kanye nokuqalisa ukusebenza kwenqubomgomo, imigomo, izinhloko kanye namaqophelo ezempilo kazwelonke neyesifundazwe, ngokusebenzisa izinsizakusebenza ezikhona esiFundazweni, ukuze uphumelele ukwenza ngcono ukuqonda ilungelo lokufinyelela kwizidingongqangi zezempilo. UMnyango ubhekelele ukuhlinzekwa kwezidingongqangi zezempilo esifundazweni ngokubanzi. UMnyango uzibophezele ekubeni sobala ekuthuthukiseni kanye nasekuqalisweni kokusebenza kwezinqubomgomo kanye nezinkambiso.

- 2.3 **Igunya Elisemthethweni loMnyango Wezempilo KwaZulu Natali** (ngokohlu lokulandelana kosonhlamvu)

Igunya elisemthethweni loMnyango Wezempilo KwaZulu Natali liqukethwe lapha, kanye nezinye izinto; le mithetho elandelayo-

UMthetho Wezenhlanzeko Yamadela, 1992 (uMthetho uNo.121 we- 1992)

UMthetho Wezempilo Eyisisekelo Nokuqeqeshwa Kwabadala, 2000 (uMthetho uNo.52 wezi- 2000)

UMthetho Weqophelo Lomoya, 2004 (uMthetho uNo. 39 wezi - 2004)

UMthetho Wemibandela Eyisisekelo Yokuqashwa, 1997 (uMthetho uNo.75 we -1997)

UMthetho Wezokubhaliswa Kwabazalwayo Nabashonile, 1992 (uMthetho uNo.51 we- 1992)

UMthetho Obhekelela Ukuthuthukiswa Kwezomnotho Wezamabhizinisi Abantu Abamnyama, 2003 (uMthetho uNo.53 wezi- 2003)

UMthetho Obhekelela Izingane, 2005 (uMthetho uNo.38 wezi- 2005)

UMthetho i- Chiropractors, homeopaths and allied health service professions amendment, 1995 (uMthetho uNo.40 we- 1995)

UMthetho Welungelo Lokuhushulwa Kwezis, 1996 (uMthetho No. 92 we- 1996)

UMthetho Obhekelela Isinxephezelo Sabalimale Nezifo Emsebenzini, 1993 (uMthetho uNo. 130 we -1993)

UMthethosisekelo WeRiphabhulikhi yaseNingizimu Afrika.

UMthetho Wentela Yezinhlelo Zezokwelashwa, 2000 (uMthetho uNo. 58 wezi - 2000)

UMthetho Wodokotela Bamazinyo, 1979 (uMthetho No. 19 we -1979)

UMthetho Wezokuxhumana Ngobuchwepheshe kanye Nokuthengiselana, 2002 (uMthetho No. 25 wezi 2002)

UMthetho Wezendinganiso Emsebenzini, 1998 (uMthetho uNo.55 we-1998)

UMthetho Wezezokudla, Izimonyo kanye Nezibulalamagciwane, 1972 (uMthetho uNo. 54 we-1972)

UMthetho i-Genetically Modified Organisms, 1997 (uMthetho uNo. 15 we-1997)

UMthetho Wemithi Enobungozi, 1973 (uMthetho uNo. 15 we-1973)

UMthetho Wezemisebenzi Yezempilo, 1974 (uMthetho uNo. 56 we-1974)

UMthetho Obhekelela Ezemfundo Ephakeme, 1997 (uMthetho uNo.101 we-1997)

UMthetho Wezezicubu Zomuntu, 1983 (uMthetho uNo. 65 we-1983)

UMthetho Wokuphenya Ngembangela Yokufa, 1959 (uMthetho uNo. 58 we-1959)

UMthetho Osaluhlaka Wobudlelwano Kwezinhlelo Zikahulumeni, 2005 (uMthetho uNo.13 wezi- 2005)

UMthetho Wezamatshuna Nokulothiswa Kwezidumbu KwaZulu Natali, 1996 (UMthetho No.12 we 1996)

UMthetho Wezinqolobane Zokugcinwa Kwemibhalo Engamagugu Zesifundazwe saKwaZulu Natali, 2000 (uMthetho uNo.5 wezi -2000)

UMthetho Wobudlelwane Emsebenzini, 1995 (uMthetho uNo.66 we-1995)

UMthetho Wotshwala, 2003 (uMthetho uNo.59 wezi- 2003)

UMthetho Ochibiyela uMthetho Wemisebenzi Yokunezezela Kwezezempilo, Nezezamazinyo, 1995 (uMthetho uNo. 18 we-1995)

UMthetho Wezinhlelo Zezokwelashwa, 1998 (uMthetho uNo.131 we-1998)

UMthetho Wezokulawulwa Kwemithi Nokunye okuhambisana nayo, 1965 (uMthetho uNo. 101 we-1965)

UMthetho Wezokunakekelwa Kwengqondo, 2002 (UMthetho uNo. 17 wezi 2002)

UMthetho kaZwelonke Wezinqolobane Zokugcinwa Kwemibhalo Engamagugu zaseNingizimu Afrika, 1996 (uMthetho uNo.43 we 1996)

UMthetho kaZwelonke Wezakiwo kanye Namaqophelo Okwakha, 1977 (uMthetho uNo.103 we-1977)

UMthetho kaZwelonke Wezokulapha, 2003 (uMthetho uNo. 61 wezi-2003)

UMthetho Kazwelonke Wezemisebenzi Yezikhungo Zocwaningo Lwezempilo, 2000 (uMthetho uNo. 37 wezi-2000)

UMthetho Wezabahlengikazi, 2005 (uMthetho uNo.33 wezi-2005)

UMthetho Wezasekhemisi, 1974 (uMthetho uNo. 53 we-1974)

Umthetho Olawula Ukukhishwa Kwemithi, 1969 (uMthetho uNo. 68 we-1969)

UMthetho Ovikela Nobhekelela Ukusetshenziswa Kwezidakamizwa, 1992 (uMthetho uNo. 20 we-1992)

UMthetho Okhuthaza Ukufinyelela Olwazini, 2000 (uMthetho uNo. 2 wezi-2000)

UMthetho Okhuthaza Indinganiso Nokuvikela Ukubandlulula okungenaqiniso, 2000 (uMthetho uNo. 4 wezi-2000)

UMthetho Okhuthaza Ukuphathwa Kwezobulungiswa, 2000 (uMthetho uNo.3 wezi-2000)

UMthetho Wezokudalula Okuvikelekile, 2000 (uMthetho uNo.26 wezi-2000)

UMthetho Wezokuphathwa Kwezimali Zomphakathi, 1999 (uMthetho uNo.1 we-1999)

UMthetho Wezokuvikelwa Komphakathi, 1994 (uMthetho uNo. 23 we-1994)

UMthetho Wezemisebenzi Yomphakathi (Isimemezelo uNo.103 we-1994)

UMthetho Obhekele Isikhwama Sokunxephezela Abalimale Ezingozini Zomgwaqo, 1996 (uMthetho uNo.59 we-1996)

UMthetho Wezokuthuthukiswa Kwamakhono, 1998 (uMthetho uNo.97 we-1998)

UMthetho Wentela Yezokuthuthukiswa Kwamakhono, 1999 (uMthetho uNo. 9 we-1999)

UMthetho Wokugunyazwa Kweziqo eNingizimu Afrika, 1995 (UMthetho uNo.58 we-1995)

UMthetho Wezithunywa Ezengamele Ulwazi Lukahulumeni, 2002 (uMthetho uNo. 38 wezi-2002)

UMthetho Wezokuvalwa Kwenzalo, 1998 (uMthetho uNo. 44 we-1998)

UMthetho Olawula Abelaphi Bendabuko, 2007 (uMthetho uNo.22 wezi-2007)

UMthetho Olawula Ukukhiqizwa Kukagwayi, 1993 (uMthetho uNo.83 we-1993)

2.4 Imisebenzi yoMnyango Wezempilo KwaZulu Natali

2.4.1 UMnyango Wezempilo KwaZulu Natali unemisebenzi emithathu enqala:

- a) uhlelo lwezempilo lwesifunda;
- b) imisebenzi yokuhlenga ngokwezezempilo okuphuthumayo ;kanye
- c) imisebenzi yekwelekelela isikhungo, embandakanya kodwa engangqindi ekuphathweni nasekulawulweni kwezibhedlela zesifunda, zezifunda ezincane, ekudluliselwa kuzo ezinkulu kanye nezibhekele izifo ezithile.

2.4.2 UMnyango Wezempilo KwaZulu Natali uyingxenye yomsebenzi welungu Lesigungu Esiphezulu saKwaZulu Natali elibhekele Ezempilo, okunguNgqongqoshe Wezempilo. INhloko yoMnyango iysisiphathimandla esinesibopho sokubika soMyango Wezempilo KwaZulu Natali futhi yiyona ebhekele ukuphathwa nokulawulwa jikelele koMnyango. Inhlakohhovisi yomnyango iseMgungundlovu, bese kuba namanye amahhovisi ezifunda athe chithi saka kuso sonke isiFundazwe njengoba kubaluliwe esigabeni 7 salo mqulu.

- 2.4.3 Amahhovisi ezempilo ezifunda abhekele ukuphathwa nokulawulwa kohlelo lwezempilo ezifundeni.
- 2.4.4 UMnyango Wezempilo KwaZulu Natali futhi unezikhungo zemisebenzi yezempilo zomphakathi ezinhlobonhlobo ezenganyelwe amahhovisi ezempilo ezifunda ezibalwe kule ngxenye.
- 2.4.5 Uhlelo lwezezempilo lwesifunda lugxile ekuhlinzekweni kwezidingongqangi zezempilo zesifundazwe ngokubanzi, kubandakanya imisebenzi yonakekelo lwezempilo. Indawo yokuqala esetshenziswa abantu abadinga usizo lwezempilo ngumtholampilo osendaweni lapho kuhlala khona abafuna usizo lwezempilo. Kuya ngokuthi abafuna ukunakekelwa ngokwezempilo badinga nhloboni yosizo, bese belashelwa emtholampilo oseduzane nalapho behlala khona. Uma umtholampilo ungakwazi ukusiza abadinga usizo lwezempilo, kufanele badluliselwe esibhedlela sendawo. Uma isibhedlela sendawo singakwazi ukusiza lowo ofuna usizo, angadluliselwa esibhedlela sesifunda esincane.
- 2.4.6 Uma isibhedlela sesifunda esincane singakwazi ukusiza odinga usizo lwezempilo, angadluliselwa esibhedlela sesifunda ukuze athole ukwelashwa. Uma isibhedlela sesifunda singakwazi ukusiza lowo odinga usizo lwezempilo, angadluliselwa esibhedlela sesifundazwe esenza ucwaningo olunzulu ngezifo okuyisona esinongoti bezifo ezithile. Uma isibhedlela sesifundazwe esenza ucwaningo olunzulu ngezifo singakwazi ukusiza lowo odinga usizo, angadluliselwa esibhedlela esikhulu esenza ucwaningo olunzulu ngezifo esihlinzeka ngobungoti bezifo ezahluahlukene. Odinga usizo lwezempilo angaphinde futhi adluliselwe esibhedlela esibhekelela izifo ezithile, okubandakanya isibhedlela sezokwelashwa kwezengqondo, esokululamela, esofuba, esiqondene nokulimala komgogodla noma abanezifo ezithathelanayo.
- 2.4.7 Imisebenzi Yezokuhlenga Ngokwezempilo Okuphuthumayo ihlinzekwa nguMnyango Wezempilo KwaZulu Natali ngokusebenzisa uPhiko laKwaZulu Natali Lwezimo Eziphuthumayo.
- 2.4.8 UMnyango Wezempilo KwaZulu-Natali uhlinzeka ngemisebenzi yezempilo yomphakathi ehlukahlukene eyenganyelwe amahhovisi ezifunda ezempilo futhi ubandakanya nalokhu:
- Izifo Ezingalapheki kanye Nezabantu Asebebadala geriatric
 - Ukulawulwa Kwezifo Ezithathelanayo
 - Ezempilo yezendalo
 - Ukugququzelwa Kwezempilo
 - Impilo Yomama Abazobeletha, Izingane naBesifazane
 - Ukwelashwa kwabagula ngengqondo
 - Ukondliwa komzimba
 - Ukuphepha Nempilo egxile kokwenziwa emsebenzini
 - Ezempilo Yomlomo namazinyo
 - Ukuvuselelwa Kwezimilo

3. UHLAKA LOMUMO LWESIKHUNGO SOMNYANGO WEZEMPILO KWAZULU-NATALI.

Uhlaka lomumo lwesikhungo lwamanje noma uhlaka lwabasebenzi loMnyango lujotshelelwe kulo mqulu **njengesithasiselo A**.

4. IMINININGWANE YOKUXHUMANA LWESIKHULU ESIBHEKELE ULWAZI SOMNYANGO WEZEMPILO KWAZULU-NATALI

4.1 Isikhulu Esibhekele ulwazi soMnyango Wezempilo KwaZulu-Natali nguDkt. S.M. Zungu, oyiNhloko yoMnyango. Amasekela Esikhulu Esibhekele Ulwazi azoqokwa khona maduze nje. Lo mqulu uyolungiswa ukuze uhambisane nesikhathi ukuze umbandakanye neminingwane yamasekela amasha Esikhulu Esibhekele Ulwazi.

4.2 Ikheli lendawo loMnyango yileli:

***UMnyango Wezempilo KwaZulu-Natali
Natalia Building
330 Langalibalele Street
Pietermaritzburg
3201***

4.3 Ikheli lokuposa loMnyango yileli:

***UMnyango Wezempilo KwaZulu-Natali
Private Bag X9051
Pietermaritzburg, 3200***

4.4 Inombolo yocingo yoMnyango ithi: 033-395 2111. Inombolo yefeksi yoMnyango yabafake izicelo zokuthola zolwazi eMnyangweni okumele zithunyelelwe iMenenja jikelele: Uphiko Lwezemisebenzi YezoMthetho enombolweni yefeksi ethi: (033) 342 5471.

4.5 Ikheli le-imeyli yabafake izicelo abacela ulwazi eMnyangweni ithi: **monica.wilson@kznhealth.gov.za**

4.6 Imininingwane yokuxhumana yeZibhedlela zesiFundazwe zoMnyango weZempilo KwaZulu-Natali ifakiwe kulo mqulu njenge**Sithasiselo "B1"**

4.7 Imininingwane yokuxhumana yamaHhovisi eziFunda oMnyango Wezempilo KwaZulu Natali ifakiwe kulo mqulu njenge**Sithasiselo "B2"**

4.8 Imininingwane yokuxhumana yeziKhungo zeZempilo Zomphakathi zoMnyango WeZempilo KwaZulu Natali ifakiwe kulo mqulu njenge**Sithasiselo "B3"**

5. UMHLAHLANDLELA, NGOKWESIGABA 10 SE-PAIA, OWASUNGULWA YIKHOMISHINI YAMALUNGelo ABANTU

5.1 Umhlahlandlela wokuthi isetshenziswa kanjani i-PAIA eshicilelwe ngabeKhomishini yamaLungelo Abantu eNingizimu Afrika futhi iyatholakala kwiwebhusayithi yabo ethi: www.sahrc.org.za. Lo mhlahlandlela uhlinzeka ngolwazi, kanye nezinto ezinye: inter alia

- a) Izihlinzeko nenhloso ye- PAIA;
- (b) Ikheli neminingwane yokuxhumana yazo zonke izikhulu Ezibhekele Ulwazi eRiphabhulikhi yaseNingizimu Afrika;
- b) Izingqubo zokucela ulwazi;
- c) Usizo okungenzeka lulindeleke Esikhulwini Esibhekele Ezolwazi nakuKhomishini Yamalungelo Abantu;
- d) Izingqubo zokudlulisa isikhalo;
- e) Uhlobo lwamarekhodi angacelwa; kanye
- f) Nemali emisiwe yokukhokhela ulwazi oluceliwe.

5.2 Imininingwane yokuxhumana yeKhomishini yamaLungelo Abantu eNingizimu Afrika yile –

***The South African Human Rights Commission
PAIA Unit
Private Bag X2700
Houghton
2041
Ucingo: (011) 484 8300
Ifeksi: (011) 484 7149***

***IHhovisi laKwaZulu-Natal:
1st Floor, 136 Victoria Embankment
Durban
Ucingo: 031 304 7323/4/5
Ifeksi: 031 304 7323
Umuntu okuxhunyanwa naye: uMduduzi Sibisi (i-imeyili:
msibisi@sahrc.org.za)***

6. UKUFINYELELA OLWAZINI LOMNYANGO WEZEMPILO KWAZULU NATALI

6.1 Izihloko kanye nezigaba zamarekhodi agcinwe nguMnyango kanye namarekhodi avela etholakala–

6.1.1 Izihloko kanye nezigaba zamarekhodi agcinwe nguMnyango wezeMpilo KwaZulu Natali zilandelana kanje –

- (a) imibiko yezezimali yoMnyango
- (b) imibiko yokucwaningwa kwamabhuku
- (c) imibiko yamasu okusebenza kanye neyonyaka
- (d) amarekhodi okuthengwa kwempahla
- (e) imithetho ekhishwayo eqondene noMnyango

- (f) izinhlelo zemihlangano kanye namamininithi emihlangano yomnyango
- (g) izishicilelo zoMnyango
- (h) izinqubomgomo zangaphakathi zoMnyango
- (i) amarekhodi ezomthetho
- (j) imibiko yocwaningo lwezempilo
- (k) amarekhodi aphathelene namacala
- (l) amagazethi kaHulumeni
- (m) izinhlelo zokuqasha ngokulinganisa
- (n) Ihhovisi lokulondoloza amafayela ngokohlelo
- (o) Amarekhodi abasebenzi boMnyango

6.1.2 Lesi zigaba ezilandelayo zamarekhodi oMnyango weZempilo KwaZulu Natali zitholakala ngaphandle kokuba owacelile afake isicelo saleyo mibhalo ngokwe- PAIA –

- a) Imibiko yonyaka yoMnyango
- b) Imibiko nezitatimende zezezimali zonyaka zoMnyango
- c) Uhlelo Lokwenziwa Komsebenzi loNyaka
- d) Izinkulumo zikaNgqongqoshe Wezempilo KwaZulu-Natali
- e) Amasu okusebenza oMnyango weZempilo
- f) Umumo wezehlakalo kanye nokusabalala kwezifo nokunye okuhlobene nezempilo KwaZulu-Natali
- g) Imihlahlandlela nezinqubo zoMnyango
- h) Imibhalo yoMnyango emayelana nokukhuthazwa kwezempilo kanye nokuqwashisa
- i) Imibhalo ethunyelelwa abezindaba yoMnyango
- j) Izincwadimbiko zoMnyango

6.1.3 Eminye yemibhalo etholakalayo kungafinyeleleka kuyona mahhala kwiwebhusayithi yoMnyango weZempilo KwaZulu-Natali ethi www.kznhealth.gov.za

7. INQUBO OKUMELE ILANDELWE UMA KUFAKWA ISICELO SOKUTHOLAKALA KWEREKHODI LOMNYANGO WEZEMPILO KWAZULU-NATALI

7.1 Uma umfakisicelo efisa ukuthola irekhodi loMnyango weZempilo KwaZulu-Natali, kumele afake isicelo esibhaliwe, sihambisana nemali ebaluliwe, eSikhulwini Esibhekele Ulwazi, imininingwane yaso etholakala engxenyeni 3 salo Mqulu.

7.2 Umfakisicelo ofisa ukufaka isicelo kumele asebenzise i**Fomu A**, ofakwe kulo Mqulu njenge-**Sithasiselo C**. Leli fomu lingatholakala futhi kwiwebhusayithi yoMnyango weZempilo ethi www.kznhealth.gov.za okukanye ikhophi ingacelwa ku Mrs M. Wilson ku (033) 395 2744.

7.3 Umfakisicelo kumele ahlinzeke ngemininingwane eyanele kwi**Fomu A** ukuze iSikhulu Esibhekele Ulwazi sikwazi ukuhlonza okulandelayo –

- a) amarekhodi aceliwe, incazelo ngerekhodi, inombolo eyinkomba (uma ikhona) kanye neminye imininingwane eserekhodini kufanele ihlinzekwe yilowo ofake isicelo;
- b) ofake isicelo kumele ahlinzeke ngayo yonke imininingwane yokuxhumana; kanye
- c) indlela yokuthola lokho akudingayo umfakisicelo, okungukuthi, uma:
 - i) irekhodi kungelibhaliwe noma eliprintiwe, noma ngabe ofake isicelo efisa ukwenza ikhophi yerekhodi noma ukuhlola irekhodi;
 - ii) irekhodi kungeliyizithombe ezibukwayo, okungaba yizithombe, ama-slide, ukuqoshwa kwe-video, izithombe noma imidwebo okwenziwe ngekhompyutha, noma ngabe ofake isicelo ufisa ukubuka izithombe, ukwenza amakhophi ezithombe noma ukukhishelwa kwezithombe emaphepheni;
 - iii) irekhodi kungeliqoshwe amazwi noma ulwazi olungenziwa lube ngumsindo olalelekayo, noma ngabe ofake isicelo ufisa ukulalela umculo noma ukuthola ikhophi ebhaliwe noma ekhishelwe ephepheni; noma
 - iv) irekhodi kungeligcinwe kwikhompuyutha noma emshinini, noma ngabe lowo mfakisicelo ufisa ukuthola ikhophi eprintiwe yerekhodi, ikhophi eprintiwe yolwazi olususelwe erekhodini kumbe ikhophi engendlela efundekayo kwikhompuyutha.

7.4 Ofake isicelo kufanele asho ulimi afisa ukulithola ngalo irekhodi. Uma irekhodi lingatholakali ngolimi olukhethwe yilowo mfakisicelo linganikezelwa ngolimi elitholakala ngalo irekhodi.

7.5 Ofake isicelo ongakwazi ukufunda nokubhala noma kungenjalo engakwazi ukwenza isicelo esibhaliwe sokufinyelela erekhodini nganoma yisiphi isizathu, kufanele asizwe yiSikhulu Esibhekele Ulwazi noma iSekela Lesikhulu Esibhekele Ezolwazi ukuba sihlele isicelo sibe ngesibhaliwe efomini elidingekayo bese enikeza lowo mfakisicelo ikhophi yesicelo esibhaliwe.

7.6 Isikhulu Esibhekele Ulwazi noma iSekela laso kumele sise umuntu odinga usizo olufanele lokwenza isicelo serekhodi. Usizo kumele luhlinzekwe mahhala.

7.7 Emveni kokufakwa kwesicelo yilowo mfakisicelo, iSikhulu Esibhekele Ulwazi/ iSekela Lesikhulu Esibhekele Ulwazi, kumele sicubungule isicelo zingakapheli izinsuku ezingama-30 zosuku okwamukelwe ngaso isicelo.

8. IREKHODI ELINGATHOLAKALI

Uma irekhodi lingatholakali, iSikhulu Esibhekele Ulwazi/ iSekela Lesikhulu

Esibhekele Ulwazi kumele, ngokubhala incwadi efungelwe noma isiqinisekiso, sazise lowo mfakisiselo ukuthi angeke kwenzeke ukuba athole imvume yokuthola irekhodini.

9. UKUDLULISELA ISICELO SOKUTHOLAKALA KWEREKHODI

9.1 Isikhulu Esibhekele Ulwazi noma Isekela Lesikhulu Esibhekele Ulwazi singadlulisa isicelo kumkhandlu ofanele lapho irekhodi eliceliwe;

- a) lingekho ngaphansi kolawulo loMnyango WezeMpilo Kwa-Zulu Natali;
- b) lisondelena kakhulu nemisebenzi yolunye uhlaka lukahulumeni; noma
- c) linemininingwane yezohwebo olunye uhlaka lukahulumeni olunentshisekelo enkulu kulona.

9.2 Ukudluliswa kwesicelo kufanele kwenziwe yiSikhulu Esibhekele Ulwazi/ iSekela Lesikhulu Esibhekele Ulwazi kungakapheli izinsuku eziyi-14 samukeliwe isicelo futhi iSikhulu Esibhekele Ulwazi/ Isekela Lesikhulu Esibhekele Ulwazi kufanele sazise lowo mfakisiselo ngokudluliswa kwesicelo, izizathu zokudluliswa kanye nesikhathi okuzobhekwana ngaso nesicelo.

10. IMALI EKHOKHWAYO YOKUFINYELELA KUMAREKHODI

10.1 Imali yokuqala ekhokhwa yilowo ofake esicelo serekhodi, ngaphandle kwalowo ozicelela ngqo, ikhonjisiwe **kusiThasiselo D** kulo Mqulu. Lowo ozicelela ngqo ngumuntu ofuna imininingwane emayelana naye, akufanele akhokhe imali yokuqala ekhokhwayo. Bonke abafake izicelo, ngaphandle kwalabo abangakhululwe ngokwesigaba 22(28)(a) se-PAIA, kufanele bakhokhe imali yesicelo ukuze bathole irekhodi.

10.2 Uma ofake isicelo efisa ukufaka isikhalo esiphikisa ukukhokhwa kwemali yokuqala ekhokhwayo, ofake isicelo angadlulisela isicelo sakhe enkantolo ephikisana nokukhokhwa kwemali.

11. UKUHLEHLISWA KOKUTHOLAKALA KWEREKHODI

Ukufinyelela kungahlehliswa lapho irekhodi lingakatholakali.

12. IZIKHATHI EZIBEKIWE KANYE NESAZISO ESIYA KULOWO OFAKE ISICELO

Isikhulu Esibhekele ulwazi/ iSekela Lesikhulu Esibhekele Ulwazi kufanele sinqume

zingakapheli izinsuku ezingama- 30 ukuthi siyayinikeza yini imvume bese sithumela isaziso kulowo ofake isicelo. Lapho ukufinyelela kuzonikezwa, isaziso kumele sisho:

- a) ukuthi imali ekhokhwayo yokufinyelela, uma ikhona, kufanele ikhokhwe uma esenikeziwe imvume yokufinyelela;
- b) indlela ukufinyelela okuzonikezwa ngayo; kanye
- c) nokuthi lowo ofake isicelo angafaka isikhalo ngaphakathi eMnyangweni noma afake isikhalo enkantolo ephikisana nemali okufanele ikhokhwe yokufinyelela noma indlela imvume yokufinyelela ezonikezwa ngayo.

13. UKUNQATSHWA KOKUTHOLAKALA KWEREKHODI

Uma ukutholakala kwerekhodi kungazokuvunywa, isaziso esivela eSikhulwini Esibhekele Uwazi noma iSekela Lesikhulu Esibhekele Ulwazi kumele:

- a) sinikeze izizathu ezanele;
- b) singafaki, ezizathwini, noma yini emaqondana nokuqukethwe ngamarekhodi; futhi
- c) sisho ukuthi ofake isicelo angafaka isikhalo ngaphakathi eMnyangweni noma enkantolo aphikisane nokunqatshwa kwesicelo bese eluleka lowo mfakisiselo ngenqubo yokufaka isikhalo ngaphakathi noma ukufakwa kwesicelo.

14. UKWANDISWA KWESIKHATHI SOKUTHATHA ISINQUMO MAYELANA NESICELO

Isikhulu Esibhekele Ulwazi/ Isekela Lesikhulu Esibhekele Ulwazi singandisa isikhathi sezinsuku ezingama -30 esizonquma ngaso ngesicelo uma:

- a) isicelo kungesamarekhodi amaningi futhi ukuvuma kuzophazamisana ngokungafanele nemisebenzi yoMnyango weZempilo KwaZulu-Natali;
- b) isicelo sidinga uphenyo noma ukulandwa kwamarekhodi ehovisini elingekho edolobheni njengoba iSikhulu Esibhekele Ulwazi/ iSekela Lesikhulu Esibhekele Ulwazi singeke silindeleke ngokufanelekile ukuba siphothule isicelo zingakapheli izinsuku zokuqala ezingama- 30;
- c) ukubonisana phakathi kwezinhloko zoMnyango weZempilo KwaZulu-Natali noma nolunye uhlaka lukahulumeni kuyadingeka kumbe kuyafuneka futhi iSikhulu Esibhekele Ulwazi angeke silindeleke ngokufanelekile ukuba siqedele ukubonisana zingakapheli izinsuku zokuqala ezingama-30; noma
- d) Ofake isicelo evuma ngokubhala ukuba kwelulwa isikhathi.

15. UKUNQATSHWA OKUSEMTHETHWENI KWESICELO SOKUTHOLAKALA KWEREKHODI

Isikhulu Esibhekele Ulwazi/ Isekela Lesikhulu Esibhekele Ulwazi kumele senqabe ukutholakala kwerekhodini lapho isicelo sokutholwa kolwazi sizobandakanya ukudalulwa:

- a) kwemininingwane eqondene nomunye umuntu othintekayo;
- b) izimfihlo eziphathelele nezokuhweba kwalowo omunye umuntu othintekayo;
- c) izimfihlo eziphathelele nezezimali, nentengiso, ulwazi olumayelana nezesayensi kumbe ezobungcweti, okungezona ezokuhweba, uma ukudalulwa kolwazi kungenzeka kuthikameze ngakwezentengiso noma ezezimali zomunye umuntu othintekayo;
- d) ulwazi olunguhlelo olukwikhompyutha olungolunye uhlaka lukahulumeni;
- e) ulwazi oluyimfihlo lomunye umuntu othintekayo, ukudalulwa kwalo okulindeleke ukuthi kungabeka omunye umuntu othintekayo engcupheni yezinkontileka nakwezinye izingxoxo kumbe ukubandluleka komunye umuntu othintekayo ekuncintisaneni okuthinta ezentengiso;
- f) ulwazi oluzokuba ukwephula ilungelo ngokomsebenzi lomunye umuntu othintekayo analo;
- g) ulwazi okufanele kulindeleke ukuthi lungalimaza ukuphepha kwempilo noma komzimba womuntu;
- h) irekhodi uma ukufinyelela kwirekhodi kunqatshiwe ngokoMthetho we- 1977 Wenqubo Yamacala Okwelelesa (uMthetho no. 51 we- 1977);
- i) ulwazi oluyimfihlo ukuba lukhishwe ukulandela izinqubo izisemthethweni ngaphandle uma umuntu othintekayo evuma ukudalula imfihlo, lokho okusho ukuthi umuntu othintekayo kufanele avume ngokubhala ukuba kudedelwe ulwazi; noma
- j) ulwazi olumayelana nocwaningo olwenziwayo noma okungenzeka lwenziwe ngenxa yomunye umuntu othintekayo, ukudaluleka kwalo okungenzeka kuveze isici esilahlekisayo kakhulu komunye umuntu othintekayo, umuntu owenza ucwaningo kumbe udaba okucwaningwa ngalo.

16. UKWENQABA OKUCONGOBELEZIWE KWESICELO SOKUFINYELELA EREKHODINI

16.1 Isikhulu Esibhekele Ulwazi/ iSekela Lesikhulu Esibhekele Ulwazi singenqaba ukuba kutholakale irekhodi lapho isicelo sokufinyelela olwazini kungenzeka sifake ukudalulwa:

- a) kolwazi olukhishiwe ngokuyimfihlo ngomunye umuntu, ukudalulwa kwalo okungalindeleke ukuba kulimaze ukukhishwa kolwazi olufanayo noma ulwazi oluvela kumthombo efanayo futhi okungukuzuzisa umphakathi ukuthi ulwazi

olufanayo noma ulwazi oluvela emthonjeni ofanayo kuzoqhutshekwa ukuba lunikezwe;

b) kolwazi, ukudalulwa kwalo okungenzeka kuphazamise:

- i) ukuphepha kwebhilidi, kwesakhiwo noma kohlelo, olungaba uhlelo lwekhompyutha, ezokuthutha noma iyiphi enye impahla; noma
- ii) izindlela zokwenza, izinqubo, uhlelo noma izinqubo zokuvikela umuntu ohlelweni lokuvikela, ukuphepha komphakathi noma ukuphepha kwempahla;

c) irekhodi eliqukethe izindlela zokwenza, amasu okwenza umsebenzi noma izinkombandlela zokugwema, zokusesha, zokunciphisa noma uphenyo lokuphulwa noma ukuphulwa komthetho okungenzeka noma ukubekwa icala kosolwa ngokwenza icala;

d) irekhodi lokubekwa icala kwalowo osolwa ngokuba necala lapho ukudalulwa kwerekhodi kungenzeka kuvimbele ukubekwa icala noma umphumela wephutha kobulungiswa;

e) irekhodi, ukudalulwa kwalo okulindeleke ukuba:

- i) kulimaze uphenyo lokwephulwa komthetho noma ukuphulwa komthetho okungenzeka;
- ii) kuveze noma kwenze umuntu akhombe isisusa solwazi oluyimfihlo oluhlobene nokuphoqelelwa noma ukusetshenziswa komthetho;
- iii) umphumela wokusatshiswa noma wokufaka ingcindezi kobufakazi noma kumuntu ongabizwa njengofakazi kubulelesi noma ezinye izinqubo zokuphoqeleta umthetho;
- iv) kuphula umthetho; noma
- v) ukulimala noma kuvimbele ubuqotho becala noma ukungakhethi kwesinqumo;

f) ulwazi, ukudalulwa kwalo okungenzeka kudale ukulimala ekuvikeleni, ukuphepha noma kubudlelwano beRephablikihi yaseNingizimu Afrika namazwe ngamazwe;

g) ulwazi, ukudalulwa kwalo okungenzeka kufake engozini izintshisekelo zezomnotho nezezimali zeRiphabhulikhi yaseNingizimu Afrika noma ukukwazi kukahulumeni ukulawula umnotho waseRiphabhulikhi yaseNingizimu Afrika ngempumelelo;

h) ulwazi :

- i) oluqukethe izimfihlo eziphathelele nezokuhweba zikahulumeni noma uhlaka lukahulumeni;
- ii) oluqukethe ulwazi oluphathelele nezezimali, ukuhweba, ezesayensi kumbe

olunye oluthile kepha okungezona izimfihlo zezokuhweba, okungezona ezokuhweba, ukudalulwa kwalo ukudalulwa kwalo okungenzeka kufake engozini izintshisekelo zezomnotho nezezimali zombuso noma uhlaka lukahulumeni;

- iii) olungabeka uhlaka lukahulumeni engcupheni ebudlelwaneni bezinkontileka kanye nokunye, noma kubandlulule uhlaka lukahulumeni ekuncintisaneni kwezohwebo;
- iv) olunguhlelo olukwikhompyutha, oluchazwe kuMthetho we- 1978 Onika Ilungelo Lokushicilela Nokuthengisa (uMthetho uNo. 98 we-1978), olungolwahulumeni noma uhlaka lukahulumeni;
- i) ulwazi olumayelana nophenyo olwenziwayo noma okungenzeka lwenziwe noma ngenxa yomunye umuntu othintekayo, ukudalulwa kwawo okungenzeka kuveze obala inhlango kahulumeni, umuntu owenza uphenyo noma udaba oluphenywayo enkingeni enkulu; noma
- j) ulwazi olumayelana nerekhodi lohlaa lukahulumeni oluqukethe umbono, iseluleko, umbiko noma isincomo esitholakele noma esilungisiwe noma umbiko wokubonisana, ingxoxo, obekuxoxwa noma amaminithi omhlangano wokwakhiwa kwenqubomgomo noma ukuthatha isinqumo ekuphatheni noma ukwenziwa komsebenzi obekwe ngumthetho uma ukudalulwa kwawo kungenzeka kudikibalise inqubo eqondiwe noma umphumela wenqubomgomo.

16.2 Uma kuyisicelo samarekhodi okulashwa esiguli –

(a) iSikhulu Esibhekele Ulwazi noma iSekela Lesikhulu Esibhekele Ulwazi, ngokwesigaba sama- 30 singathintana nodokotela onakekela ezempilo ofanele mayelana nokunikeza imvume yokufinyelela erekhodini lapho ebona ukuthi ukunika imvume yokufinyelela erekhodini kungenzeka kudale umonakalo omkhulu empilweni yangokomzimba noma yengqondo yomuntu inhlalakahle yakhe;

(b) uma udokotela onakekela ezempilo ebona ukuthi ukunikeza imvume yokufinyelela erekhodini kungenzeka kudale umonakalo omkhulu empilweni yangokomzimba noma yengqondo yomuntu inhlalakahle yakhe; iSikhulu Esibhekele Ulwazi noma iSekela Lesikhulu Esibhekele Ulwazi singanikeza imvume lokufinyelela erekhodini kuphela uma lowo ofake isicelo enikeza ubufakazi bokuthi izihlinzeko ezanele sezenziwe zokwelulekwa noma ezinye izinhlelo sezenziwe ukuvimbela, ukunciphisa noma ukugwema ukumonakalo.

16.3 Isikhulu Esibhekele Ulwazi noma Isekela Lesikhulu Esibhekele Ulwazi singasenqaba isicelo sokuthola irekhodini uma isicelo sibonakala singenasisindo noma sicunula noma umsebenzi obandakanyekayo ekulungiseni isicelo kuzophambukisa kakhulu izinsizakusebenza zoMnyango weZempilo KwaZulu Natali.

17. UKUNQATSHWA OKUCATSHANGWAYO KWESICELO SOLWAZI

17.1. Uma iSikhulu Esibhekele Ulwazi noma iSekela Lesikhulu Esibhekele Ulwazi sihluleka ukukhipha isinqumo sesicelo sokufinyelela zingakapheli izinsuku ezingama-30, kuyothathwa ngokuthi iSikhulu Esibhekelele Ulwazi sisingqabile isicelo.

18. UKUFAKA ISIKHALO NGAPHAKATHI

18.1 Ofake isicelo angafaka isikhalo ngaphakathi:

- a) esiphikisana –
 - i) nokunqatshwa kwesicelo;
 - ii) nesiinqumo seSikhulu Esibhekele Ulwazi noma iSekela Lesikhulu Esibhekele Ulwazi esinqabile nesicelo sokufinyelela; noma
 - iii) nokunqatshwa okucatshangwayo kwesicelo.
- b) mayelana nemali yokufaka isicelo enqunyiwe;
- c) esiphikisana nokwelulwa kwesikhathi sokubhekana nesicelo; noma
- d) indlela yokufinyelela kumarekhodi.

18.2 Omunye umuntu angafaka isikhalo ngaphakathi esiphikisana nesiinqumo sokunikezwa imvume yokufinyelela komfakisisicelo.

18.3 Isikhalo kufanele sifakwe **eFomini B (Isithasiselo E)** elinqunyiwe kungakapheli izinsuku ezingama- 60 kusukela osukwini iSikhulu Esibhekele Ulwazi noma iSekela Lesikhulu Esibhekele Ulwazi sitshele ofake isicelo ngesiinqumo sakhe.

18.4 Umfakisisicelo okunguye ofake isikhalo ngaphakathi futhi onganelisekile ngesiinqumo soMnyango angafaka isicelo sosizo olufanele enkantolo, ngokwesigaba sama- 78 se-PAIA, zingakapheli izinsuku ezingama -30 sikhishiwe isinqumo sesikhalo sangaphakathi. Ofake isicelo noma omunye umuntu othintekayo okukhuluywa ngaye angafaka isicelo sosizo olufanele enkantolo ngokwesigaba sama- 82 se- PAIA kuphela emva kokuba lowo ofake isicelo noma omunye umuntu othintekayo esephothule inqubo yangaphakathi yokuphikisana nesiinqumo seSikhulu Esibhekele Ulwazi.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Publications: Tel: (012) 334-4508, 334-4509, 334-4510
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510
Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504
Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737
Kaapstad-tak: Tel: (021) 465-7531