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ISIKHOKELO NOMGAQO-NKQUBO WEPOPIA

Inombolo yeReferensi: 4/6/2 Isaziso sePOPIA Esingeemfihlelo

ISEBE LOPHUHLISO LOLUNTU

ISIKHOKELO SOKUTHOBELA NOMGAQO-NKQUBO WEPOPIA

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Imbali Yokuhlaziywa

Umhla	Isigaba	Ingcaciso	Umbhali
7 kweyeKhala ka-2021	01/2021	Ukuyilwa kweSaziso Sezabucala	nguG Miller
8 kwekaTshazimpuzi ka-2022	02/2022	Uhlolo lonyaka	nguG Miller

Iingcaciso

Umba weenkcukacha	Ubhekisa kumntu/kwiqumrhu elibonakalayo ezibhekiselele kulo iinkcukacha ezingomntu.
Impahla yeenkcukacha	Ibhekisa kwimpahla yequmrhu esetyenziselwa ukudala, ukugcina, ukudlulisela, ukucima kwakunye/okanye nokutshabalalisa iinkcukacha ngenjongo yokuxhasa iintahukumo zalo zoshishino ndawonye neenkqubo zeenkcukacha ezisetyenziswa ngazo ezi nkcukacha. ziquka: • Zonke iinkcukacha ezikwezobuchwepheshe kwanezo zingekho kumaqonga obuchwepheshe ezisetyenziselwa ukuxhasa iintshukumo zoshishino nokuba zikwesiphi na isimo okanye uhlobo, umzekelo, amaxwebhu angamaphepha, iifayili ezikwiqonga lobuchwepheshe, unxibelelwano ngesandi, imiyalezo ebhaliweyo, imifanekiso yeefoto kunye naleyo yemiboniso ebhanya-bhanya. • Zonke iinkqubo, iidivaysi kunye nezinye iinkqubo elithi iqumrhu lisebenzise ngazo iinkcukacha zalo, umzekelo, iminxeba, imitshini yefeksi, eyokuprinta, iikhompyutha, amatyathanga othungelwano, imiyalezo yesandi, imiyalezo ekhawulezileyo, iminxeba yale mihla kunye nezinye izixhobo ezigungqayo (‘impahla yamaqonga obugcisa’),
Umgcini-zinkcukacha	Ibhekisa kumnto onoxanduva lokucacisa nokumisela amalinge neenkqubo zolawulo lokhuseleko lweenkcukacha kwinkalo yempahla Yobuxhakaxhaka Beenkcukacha Nonxibelelwano.
Umsebenzisi weenkcukacha	Ubhekisa kumntu osebenza ngempahla yeenkcukacha ndawonye nempahla Yobuxhakaxhaka Beenkcukaca Nonxibelelwano ngeenjongo zokwenziwa komsebenzi ogunyazisiweyo.
Igosa leenkcukacha	Libhekisa kuMlawuli-Jikelele kwimeko yeSebe leNkulumbuso kwakunye neGosa Elongameleyo kwimeko yamanye abasebenzi ephondo.
Umnini-zinkcukacha	Ubhekisa kumntu onoxanduva, okanye oxhomekeke kwinkqubo yoshishino eyayanyaniswa nempahla yeenkcukacha.
Iinkcukacha ezingomntu	Zibhekisa kwiinkcukacha eziphathelele kumntu obonakalayo, ophilayo, ongumntu ozelweyo, ze apho kwenzeka khona, ibe liqumrhu elibonakalayo, elikhoyo, kuquka, kodwa kungaphelelanga – a) Kwiinkcukacha eziphathelele kuhlanga, isini, isimo ngokomtshato, ubuzwe, ubudala, impilo yomzimba okanye yengqondo, ukukhubazeka, inkolo, inkcubeko, ulwimi kwakunye nokuzalwa komntu lowo. b) Iinkcukacha eziphathelele kwimfundo okanye kwimbalu yezonyango, yezemali, yezolwaphulo-mthetho okanye yezengqesho yaloo mntu.

	c) Nayiphi na inombolo emazisayo, uphawu, idilesi ye-imeyile, inombolo yomnxena, iinkcukacha zendawo yokuhlala, isalathisi esikwiqonga lobuchwepheshe okanye nayiphi na enye indlela eyayanyaniswa naye d) Iinkcukacha zaloo mntu zomzimba. e) Izimvo neembono zakhe okanye izinto azikhethayo umntu lowo. f) Iimbalelwano ezithunyelwe nguloo mntu ezibonakala okanye ekutshiwoyo ukuba ziqulethe iinkcukacha eziyimfihlo okanye ezingamelanga kufikelela kubanye abantu okanye ezinye iimbalelwano ezinokubonakalisa umxholo wezo mbalelwano zakhe g) Izimbo neembono zomnye umntu ngaloo mntu; ndawonye h) Negama laloo mntu ukuba lithi libonakale nezinye iinkcukacha ezichaphazela loo mntu okanye ukuba ukudizwa kwegama ubuqu kuya kudiza iinkcukacha ezingaye.
Ukusetyenziswa	Kubhekisa ekusetyenzisweni okanye kwintshukumo okanye naluphi na olunye uthotho lweentshukumo zokusetyenziswa kweenkcukacha ezichaphazela umntu , kuquka: a) Ukuqokelelwa, ukufunyanwa, ukurekhodwa, ukubunjwa, ukuhlanganiswa, ukugcinwa, ukuhlaziywa, ukuphuhliswa, ukutsalwa, ukuguqulwa, ukubonisana okanye ukusetyenziswa; b) Ukuzisasaza ngokuthi zithunyelwe, zihanjiswe okanye zenziwe zifikeleleke zikulo naluphi na uhlobo; okanye c) Ukudityaniswa, ukuthungelaniswa, ndawonye nezithintelo , ukwehliswa kwezinga, ukucinywa okanye ukutshatyalaliswa kweenkcukacha.
Iinkcukacha ezingomntu ezizodwa	Zibhekisa kwiinkcukacha ekubhekiswa kuzo kwicandelo 26 lePOPIA.

1. Intshayelelo

ISebe Lophuhliso Loluntu ("iSebe") lidinga ukuhlanganisa ze lisebenzise iinkcukacha ezingabantu kunye namaqumrhu (ezihlanganiswa zibizwe "njengabanini-zinkcukacha"). Ezi ke zingaquka abaxhamli/abathengi, amashishini, abantu bamashishini ekuqhakamshelwana nabo, abasebenzi kunye nabanye abantu elinobudlelwane nabo iqumrhu eli, okanye elingadinga ukuqhakamshelana nabo. Lo mgaqo-nkqubo ucacisa indlela emaziqokelelwe ngayo ezi nkcukacha, emaziphathwe, zigcinwe ngayo ukuze oko kube nokuba nxamnye nemigangatho yokukhuselwa kweenkcukacha ezingabantu zeli qumrhu kwanokuthi kuthotyelwe imithetho.

Lo mgaqo-nkqubo kufuneka ufundwe kunye yeNkqubo yeWCG Yokuqulunqwa Kokhuseleko Lweenkcukacha Zabantu (i-"ISCS"). Iingcaciso ziyavela ekupheleni apho kunikezelwa khona iintsingiselo zamabinzana asetyenziswe kulo mgaqo-nkqubo.

2. Injongo

Lo mgaqo-nkqubo ungezemfihlo uqinisekisa ukuba iqumrhu eli:

- Liyawuthobela umthetho iProtection of Personal Information Act, 2013 (Act 4 ka-2013) (iPOPIA).
- Ukhusela amalungelo abanini beenkcukacha.
- Uvulelekile ngendlela ozigcina ngalo ngayo nozisebenzisa ngalo iinkcukacha ezingabantu, yaye
- Uyazikhusela wona kwimingcipheko yokungathotyelwa kkwemigaqo yokhuseleko.

3. Intetho yoMgaqo-nkqubo

Iqumrhu lizinikele ekukhuseleni iimfihlelo eziqulethwe kwiinkcukacha zabantu ngokwremigaqo yezibhambathiso ezimiselwe yiPOPIA. IPOPIA icacisa indlela iqumrhu emaliziqokelele, liziphathe ze lizigcine ngayo iinkcukacha zabantu. Le migaqo isebenza nokuba sele ezi nkcukacha zigcinwe kwiqonga lezobuchwepheshe na, emaphepheni okanye kwezinye izixhobo.. ukuze kube nokuthotyelwa umthetho, iinkcukacha ezingabantu kufuneka ziqokelelwe ngendlela engenamkhethe, zigcinwe ngokukhuselekileyo ze zinganikezewa ngokungekho mthethweni.

IPOPIA ikhokelwa yilw migqaliselo ibalulekileyo yezemfihlo ilandelayo emisela ukuba iinkcukacha ezingomntu kufuneka:

- Zisetyenziswe ngendlela engenamkhethe nesemthethweni
- Zithatyathwe kuphela kusenzelwa iinjongo ezithile, ezisemthethweni
- Zichanekeke, zimchaphazele yaye zingabaxwa
- Zichaneke yaye zihlaziywe

- Zingagcinwa ixesha elingaphezu kwelo linyanzelekileyo
- Zisetyenziswe ngokwemigaqo ehambiselana namalungelo abanini beenkcukacha
- Zikhuselwe ngeendlela ezifanelekileyo, ze
- Zithunyelwe ngaphandle kwemida yoMzantsi Afrika kwilizwe okanye kumhlaba owenza unakho-nakho kumanqanaba okukhuselwa kwazo

4. Umlinganiselo

Lo mgaqo-nkqubo uchaphazela bonke abasebenzi beli qumrhu kwanaye nabani na okanye naliphi na iqumrhu elisebenzela okanye elisebenza egameni leli qumrhu, elifana:

- Nee-intheni
- oononibe
- iingcali zangaphandle, kunye
- abasebenzi benkampani yangaphandle, amashishini okanye iinkampani zangaphandle, kuquka nabasebenzi okanye ii-arhente zazo

Ilawula zonke iintshukumo zoshishino ezibandakanya ukusetyenziswa kweenkcukacha ezingomntu, kuquka iinkcukacha ezingomntu ezizodwa, kusenzelwa okanye egameni leli qumrhu. Oku kungaquka:

- amagama abantu kwakunye nawamaqumrhu (ndawonye nezi zilandelayo)
- iinkcukacha zoqhakamshelwano ezifana nedilesi yeposi, neye-imeyile kunye neenombolo zeminxeba
- iinkcukacha ezingomntu ezifana nosuku lokuzalwa, uhlanga, isini kunye nesimo ngokomtshato
- nayiphi na inombolo enokwalatha kuye, iinkcukacha ezinokumxela apho akhoyo ndawonye nesalathisi esikwiqonga lezobuchwepheshe
- iinkcukacha ezingeempawu zomzimba ezifana nemizila yeminwe
- imbali yemfundo, yezonyango, yezemali, yezolwaphulo-mthetho kunye neyengqesho

5. Imingcipheko

Lo mgaqo-nkqubo uncedisa ekukhuseleni eli qumrhu kwimingcipheko ephilayo, equka:

- **Ukungahlonelwa kwemigaqo yeemfihlo.** Umzekelo, ukunikezelwa kweenkcukacha ngendlela engatshongo khona.
- **Ukusilela ekunikezeleni ezinye iindlela.** Umzekelo, bonke abanini beenkcukacha kufuneka bakhululeke futhi bakwazi ukuzikhethela ukuba iqumrhu eli lizisebenzise njani na iinkcukacha ezichaphazela bona apho iinkcukaca ezingabo zingathanga zaqokelelwa, zasetyenziswa okanye kwabelwana ngazo ngokwemigaqo yomthetho okanye yesivumelwano esiphakathi komnini-zinkcukacha kunye neli qumrhu.

- **Umonakalo ngokobuqu.** Umzekelo, kungakubi mpela kwiqumrhu eli ukuba iihekhari zingafikelela kwiinkcukacha ezingabantu zabani bezo nkcukacha.

6. Uxanduva

Nabani na osebenzela okanye osebenzisana neli qumrhu nonoxanduva oluthile lokuqinisekisa ukuba iinkcukacha zabanini abo ziqokelelwa, zigcinwe ze ziphathwe ngendlela eyiyo ngenjongo yokuqinisekisa ukufihleka, isidima kunye nokufikeleleka kwazo. Umsebenzisi weenkcukacha ngamnye, uMnini-zinkcukacha ngamnye, icandelo lezoshishino neqela elisebenza ngeenkcukacha ezingomntu kufuneka liqinisekise ukuba ezo nkcukacha ziphathwa ze zisetyenziswe ngokwemigaqo yalo mgaqo-nkqubo kunye nemigaqo yeemfihlo.

Aba bantu baneenkalo ezingundoqo zoxanduva:

a) **IGosa Leenkcukacha** ingoyena mntu uthwele uxanduva lokuqinisekisa ukuba eli qumrhu liyamelana noxanduva lwalo ngokomthetho.

b) **UMphathi Wezokhuseleko** unoxanduva:

- Lokugcina iGosa Leenkcukacha linolwazi malunga nempahla yeenkcukacha kunye noxanduva lokukhusela iinkcukacha ezingomntu, imingcipheko nemiba.
- Lokuhlalutya zonke iinkqubo ezingokukhuselwa kweenkcukacha zomntu ndawonye nemigaqo-nkqubo echaphazelekayo, ngokwemigaqo yeshedyuli ekuvunyelwene ngayo ze enze izindululo kwiGosa Leenkcukacha apho kuyimfuneko khona.
- Lokuququzelela uqeqesho olukukhuselwa kweenkcukacha zabantu kwakunye neengcebiso kubantu abachaptshazelwa ngulo mgaqo-nkqubo.
- Lokujonga nokuphumeza naziphi na izibhambathiso namaqumrhu abucala anokuqokelela, aphathe okanye agcine iinkcukacha zabantu egameni leli qumrhu.
- Lokubeka ngokwamanqanaba iinkcukacha zabantu ngokwemigaqo yeNkqubo yeWCG Yokuqulunqwa Kokhuseleko Lweenkcukacha Zabantu.
- Lokugcinwa kweenkqubo zangaphakathi zokunikezela inkxaso ekuphathweni ngendlela kwanokhuseleko lweenkcukacha zoluntu.
- Lokuqinisekisa ukuba bonke abasebenzi, iingcali zangaphandle kunye nabanye abasebenzela eli Sebe bebziwe bazi ukuba ze banikwe imiyalelo yokuba bathobele oku kunye neminye imigaqo-nkqubo echaphazelekayo.

c) **Amagosa/igosa Elilisekela Kwezeenkcukacha** linoxanduva lokujongana nezicelo zabanini beenkcukacha abafuna ukubona iinkcukacha eziqulethe ulwazi ngabo ezigcinwe leli

qumrhu (zicelo ezozikwaziwa 'njengezicelo zabanini-zinkcukacha'). Kufuneka buqinisekiswe ubuqu bakhe nabani na owenza isicelo njengomnini-zinkcukacha ngaphambi kokuba kuqhutywe kunikezelwe naziphi na iinkcukacha ezingomntu.

d) **Igosa Elilisekela Kwezeenkcukacha, Kwezolawulo Lolwazi**[1] linoxanduva lokuhlelela:

- Ukuqinisekisa ukuba yonke impahla yobuxhakaxhaka bobugcisaesetyenziselwa ukusebenzisa iinkcukacha ezingomntu iyamelana nemigangatho yokhuseleko ezimiselweyo.
- Ukuwenza iingqwalasela kwanokuskena rhoqo ngenjongo yokuqinisekisa ukuba ubuxhakaxhaka kunye nesoftware isebenza ngendlela eyiyo.
- Ukuvavanya naziphi na iinkonzo zenkampani yabucala iqumrhu eliceba ukuzisebenzisela injongo yokusebenzisa iinkcukacha ezingomntu. Umzekelo, iinkonzo zeekhomyutha ezigcina iinkcukacha a lamafu.

e) **UMlawuli Oyintloko Kwezocwangciso Loshishino Nesicwangciso-qhinga** ngentsebenziswano **noMlawuli Oyintloko Kwezocwangciso Nohlolo** unoxanduva:

- Lokuphumeza nayiphi na intetho yokukhuselwa kweenkcukacha ezingomntu eqhotyoshelwe kumaqonga onxibelelwano afana nee-imeyile kunye neencwadana.
- Lokusombulula nayiphi ma imibuzo engokukhuselwa kweenkcukacha esuka kumajelo osasazo oonondaba.
- Apho kunyanzelekileyo, makusetyenziswane namanye amacandelo oshishino ngenjongo yokuqinisekisa ukuba onke amalinge onxibelelwano ayayithobela imigaqo yokukhuselwa kweemfihlo.

f) **UMphathi Wamarekhodi** unoxanduva:

- Kukuhlola ukuthotyelwa kokusetyenziswa kwesicwangciso esiphunyeziweyo sefayili yeSebe ngabasebenzi ngenjongo yokuqinisekisa ukutsalwa ngendlela eyiyo kwamarekhodi
- Kukuqinisekisa ukuba ngabasebenzi kuphela abangaphakathi nabangaphandle kwicandelo lolawulo lwamarekhodi abafikelelayo kwiifayili

[1] Ukuba le misebenzi/eminye yale misebenzi inikezelwa yinkamopani yabucala (umzekelo: iCe-I okanye iinkampani eziyisebezelayo) ngoko ke ukuqinisekisa ukuba sikho isivumelwano sezolawulo nokubekwa kweso phakathi kweSebe neCei kuluxanduva [loMphathi Wezokhuseleko/leGosa Elilisekela Legosa Lezeenkcukaxha/Lomnye].

- Kukuhlengahlengisa amarekhodi ahlaliswe ngendlela enciphisa isidingo sokugubhulula ifayili yonke xa kusetyenziswa ifayili, umzekelo: ngokuthi kwahlulahlulwe iinkcukacha ezikwezo fayili
- Kukuqinisekisa ukuba abasebenzi bayayithobela imigaqo yamaxesha okugcinwa kweefayili ukuze amarekhodi abe nokulahlwa ngokwemigaqo ephunyeziweyo yeshedyuli yokuhlahlwa kwawo

g) **UMphathi Wolwazi** unoxanduva:

- Kukwenza uphicotho lweenkcukacha ezingabantu eziselugcinweni lwabantu nanacandelo
- Kukunikezela uqeqesho kubasebenzi beDSD ngokugcinwa ngokukhuselekileyo kwamarekhosi akumaqonga okuchwepheshe
- Kukusebenzisana noMphathi Wamarekhodi ngenjongo yokuqinisekisa ukuba amarekhodi akumaqonga obuchwepheshe alahlwa/agcinwa ngokwemigaqo yamaxesha amiselweyo

7. Izikhokelo Eziphangaleleyo Kubasebenzi

a) Abona bantu abamele ukufikelela nakuzipih na iinkcukacha ezingabantu eziphantsi kwemiqathango yalo mgaqo-nkqubo kufuneka ibe **ngabo bazidingela ukwenza imisebenzi yabo**.

b) Iinkcukacha ezingomntu kufuneka **kungabelwana ngazo ngokungekho sesikweni** yaye kufuneka kungaze kwabelwane ngazo kwii-akhawunti zamakhasi onxibelelwano afana noFacebook, uLinkedIn, uGoogle Plus, kunye nezinye.

c) Xa kudingeka ukudingeka ukufikeleleka kweenkcukacha zabo eziyimfihlo, abasebenzi bangafaka isicelo kubaphathi babo.

d) Iqumrhu **liya kunikezela uqeqesho** kubo bonke abasebenzi ngokuncedisa ukuze baqonde uxanduva lwabo xa besebenza ngeenkcukacha ezingabantu.

e) Abasebenzi kufuneka bagcine zonke iinkcukacha ezingabantu **zikhuselekile**, ngokuthi benze konke okusemandleni ukulandela izikhokelo ezimiselwe apha.

f) Ngokukodwa, kufuneka **kusetyenziswa iipaswedi eziluqilima** yaye kufuneka kungaze kwabelwane ngazo.

g) Iinkcukacha ezingabantu **skufuneka zingaze zidluliselwe kubantu abangenamagunya akuzifumana**, ngaphakathi nangaphandle kwequmrhu.

h) Iinkcukacha kufuneka **zisoloko zihlalutywa ze zihlaziywe rhoqo** ukuba kufumaniseka ukuba zindala. Ukuba azisadingeki, kufuneka zicinywe ze zilahlwe ngokwemigaqo yemiyalelo yokulahlwa kwazo.

i) Abasebenzi **kufuneka balucele uncedokubaphathi** babo xa bathi bangaqiniseki nangayiphi na inkalo yokukhuselwa kweenkcukacha ezingomntu.

j) Abaphathi kufuneka bafune uncedo Lwamagosa Angamasekela alawo Eenkcukacha ukuba bathi bangaqiniseki nangayiphi na inkalo yokukhuselwa kweenkcukacha ezingomntu. ISekela Legosa Leenkcukacha ingathi ikrwece uMphathi Wezokhuseleko kunye/okanye amanye amaSekela Amagosa Eenkcukacha akwiQonga leSebe elijongene nePOPIA.

k) **Qwalasela** ukuba icandelo leenkonzo zomthetho elikwiSebe leNkulumbuso kungathi kuthethiswane nalo ukuze kube nokufumaneka ingcaciso.

7.1 Ukuqokelelwa

Iqumrhu eli liqokelela iinkcukacha ngenjonog yokuxhasa umsebenzi walo owokuhanjiswa kweenkonzo. Iinkcukacha ezingomntu ziqokelelwa ngqo kumnini-zo xa kukwazeka yaye ngalo lonke ixesha kusenziwa oko kwenziwa ithotyelwa imigqaliselo yePOPIA. Iintlobo zeenkcukacha neenjongo eziqokelelelwa zona iinkcukacha ezingomntu zithiwe thaca kwiSaziso Seemfihlo[2] seli qumrhu

7.2 Ukuhlengahlengiswa

IGosa Leenkcukacha lithi lihlengahlengise iinkcukacha ngokwemigaqo yemithetho yequmrhu, imigqaliselo, ukubaluleka kwakunye nobuzaza bokunikezelwa kwazo ngokungekho mthethweni, ukuguquguqulwa kwazookanye ukulahleka kwazo ngokwemigaqo yeNkqubo yeWCG Yokuqulunqwa Kokhuseleko Lweenkcukacha Zabantu (i-“ISCS”)]

- Ubukhulu becala iinkcukacha ezingomntu zihlengahlengiswa zibekwe njengezi**YIMFIHLO**.
- Iinkcukacha ezingomntu ezizodwa ndawonye neenkcukacha ezingabantwana ziqhele ukuukudweliswa njengezimele **UKUFIHLAKALA**.

7.3 Ukusetyenziswa

[2] Yenza ikhonkco elithungelelanisa kwesi Sazi Seemfihlo / bandakanya iinkcukacha ezidiza ukuba singafumaneka phi.

Xa iinkcukacha ezingomntu zifikeleleke ze zasetyenziswa zingaba semngciphekweni omkhulu wokulahleka, wokonwakaliswa okanye wokubiwa. Ngoko ke:

a) Xa besebenza ngeenkcukacha ezingomntu abasebenzi kufuneka baqinisekise ukuba **izibuko zeekhomyutha zabo zitshixiwe** xa bengekho kuzo.

b) Iinkcukkacha ezingomnntu **akumelanga kwabelwana ngazo ngokungekho sesikweni**.

c) Zonke iinkccukacha ezingomntu ezithunyelwe nge-**imeyile** (ngokuthi ziqhotyoshelwe okanye kubuqu be-imeyile) kufuneka zithatyathwe njgnezinobuzazaze zikhuselwe kwananjalo. Akufunekanga zithunyelwe emntwini ongaphandle kweli qumrhu ngaphandleni kokuba ziphunyezwe ngumphathi. Oku kuquka ukudliliselwa kwezo imeyile kwi-akhawunti ye-imeyile yabucala yomsebenzi lowo.

d) Ngaphambi kokuthumela i-imeyile kugxa wakhe, umsenenzi kufuneka aqale aqinisekise kumphathi wakhe ukuba ugxa wakhe lowo unalo na ilungelo lokufikelela kwezo nkcukacha njengoko ingengabo bonke abasebenzisi beli qumrhu abakwazi ukufikelela kwiinkcukacha ezifanayo.

e) Iinkcukacha kufuneka **zikhuselwe ngokwenziwa ikhowudi ngaphambi kokuba zidluliselwe kusetyenziswa iqonga lezobuchwepheshe.** [UMphathi Weenkcukacha/uMphathi Wezobuxhakaxhaka Bolwazi/Omnye] angacacisa ngendlela yokuthunyelwa kweenkcukacha kubantu bangaphandle abangagunyaziswanga.

f) Iinkcukacha ezingomntu **akufunekanga zidluliselwe ngaphandle kwemida yoMzantsi Afrika** ngaphandle kwesiqinisekiso soMphathi Wezokhuseleko sokuba ilizwe elo zithunyelwa kulo liqinisekisa izinga elamkelekileyo lokhuseleko lweenkcukacha ezo zingomntu.

g) Abasebenzi **kufuneka bangagcini zikopi zeenkcukacha zabantu kwiikhompyutha zabo.** Fikelela ze uhlaziye rhoqo ikopi engundoqo yazo naziphi na iinkcukacha ezingomntu.

7.4 Ugcino

Imithetho ichaza indlela kunye nendawo ezingcinwa kuyo ngokukhuselekileyo iinkcukacha ezingomntu. Imibuzo emayelana nokugcinwa kweenkcukacha ezingomntu ingathunyelwa kwiGosa elifanelekileyo EliliSekela Kwezeenkcukacha.

Xa kuthi **kugcinwe** iinkcukacha ezingomntu **ephepheni**, kufuneka zigcinwe kwindawo ekhuselekileyo apho abantu abangagunyiaziselwanga kufikelela kuzo bangazibhaqa khona. Ezi zikhokelo zikwasebenza nakwiinkcukacha ezithi ubukhulu becala zigcinwe kumaqonga obuchwepheshe kodwa ezithe zaprintwa ngesizathu esithile:

a) Xa kungalindelekanga, iphepha okanye iifayili kufuneka zigcinwe **kwidrowa okanye kwikhabhinethi yokufayila etshixiweyo.** Apho ezo nkcukacha ziphawulwe njengezi**YIMFIHLO ngokokufikeleleka**, indawo leyo kufuneka ibe **nezithintelo** ze kungenwe kuyo ngeemfihlo.

b) Abasebenzi kufuneka baqinisekise ukuba amaphepha kunye nalawo aprintiweyo **awabekwa apho abantu abangagunyaziswanga bangawabona khona**, njengakwiprinta okanye kumtshini wokwenza iikopi.

c) **Amaphepha aprintiweyo aqulethe iinkcukaca ezingomntu kufuneka atshatyalaliswe ngoko nangoko** ze alahlwe ngendlela ekhuselekileyo xa engasadingeki.

Xa iinkcukacha ezingomntu **zigcinwe kwiqonga lezobuchwepheshe**, kufuneka zikhuselwe ekufikelelekeni ngabangagunyaziswanga, ekucinyweni ngempazamo, kwanasekufikelelweni kuzo ngokobuqhophololo:

a) Onke amaqonga okugcina kwezobuchwepheshe adinga ulawulo lokufikelela ndawonye namalinge okukhuselwa kweefayili afana **nokuvalwa ngeekhowudi**.

b) Zonke iindlela zokufikelela kumaqonga obuchwepheshe kufuneka kungenwe kuwo **ngeenkcukacha**.

c) Iinkcukacha ezingomntu kufuneka zigcinwe kuphela **kumaqonga nakwiiseva ezimiselwe oko** yaye kufuneka zigcinwe **kumqonga aphunyeziweyo eenkonzo zamafu zeekhompyutha.**

d) Ukugcina iinkcukacha ezingomntu nakwiziphi na iidivaysi eziphathekayo, kuquka kodwa kungaphelelanga kumaqonga e-USB (iintongana ezineenkcukacha), kumaqonga aphathekayo angaphandle kweekhompyutha, kumacwecwe okanye kwiiDVD kufuneka **aphunyezwe kwantlandlolo** liGosa elifanelekileyo EliliSekela Kwezeenkckacha.

e) Ukuba iinkcukacha ezingomntu zithi **zigcinwe kumaqonga asusekayo (**afana nentongana yeenkcukacha, kwiqonga elingaphadle kwekhomyutha, kwicwecwe okanye kwiDVD) iifayili ezo kufuneka zikhuselwe ngekhowudi eyodwa, zikhuselwe ngephaswedi ze amaqonga lawo atshixwe ngokukhuselekileyo xa engasetyenziswa.

f) Amaqonga e-USB (intongana zeenkcukacha) afumaneke okanye anikezelwe njengezinto zokuphakamisa igama lendawo kufuneka angafakwa nakwiyiphi na ikhompyutha njengoko njengoko ezi zixhobo zingabe ziqulethe iinkqubo zokugxobhagxobha okanye iivayrasi ezifihlakeleyo.

g) Zonke izixhono ezilahlekileyo okanye ezibiweyo (kuquka nezo zisusekayo) kufuneka kunikezelwe ingxel ongazo ngokukhawuleza kumphathi [ze kugcwaliswe uxwebhu Lokwazisa Ngezehlo Zezokhuseleko].[3]

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[3] Yenza ikhonkco elinokufumaneka kulo olu xwebhu.

h) Iiseva eziqulethe iinkcukacha ezingomntu kufuneka **zigcinwe kwindawo ekhuselekileyo**, kude nendawo ye-ofisi ekusetyenzelwa kuyo.

i) Iifayili ezikwiqonga lezobuchwepheshe kufuneka zisoloko **zikhuselwa rhoqo.** Oku kukhuselwa ke kufuneka kusoloko kuvavanywa rhoqo ngokwemigaqo yequmrhu yeenkqubo zokhuseleko.

j) Zonke iiseva, iikhompyutha kunye nezinye izixhobo zamaqonga obuchwepheshe eziqulete iinkcukacha ezingomntu kufuneka zikhuselwe **ngeenkqubo zokhuseleko eziphunyeziweyo kunye nezikhuselo.**

7.5 Ukuchaneka kweenkcukacha

Umthetho ulindele ukuba iqumrhu eli lithabathe amanyathelo angawo ukuqinisekisa ukuba iinkcukacha zigcinwa zichanekile yaye zihlaziyekile. Okona kubalulekileyo ukuba iinkcukacha zigcinwe zihlaziyekile kokona icandelo lezoshishino kufuneka liqinise ekuqinisekiseni uukuchaneka. Kuluxanduva lwabo bonke abasebenzi abasebenzi ngeenkcukacha ezingabantu ukuqinisekisa ukuba kuthatyathwa amanyathelo angawo ngenjongo yokuqinisekisa ukuba zigcinwa zichaneke yaye zihlaziyeke kangangoko.

a) Iifayili ezikwiqonga lezobuchwepheshe eziqulethe iinkcukacha ezingomntu ziya kugcinwa **kwiindawo ezimbalwa kangangoko.** Abasebenzi akufunekanga bongeze naziphi na ezinye iiseti zeenkcukacha ezinesosidingo.

b) Abasebenzi kufuneka **bathabathe lonke ithuba lokuqinisekisa ukuna iinkcukacha zihlaziyekile**. Umzekelo, ngokuthi baqinisekise iinkcukacha zomxhamli xa betsala iminxeba.

c) Iqumrhu eli liya kwenza **kube lula ukuba abanini-zinkcukacha bahlaziye iinkcukacha zabo eziselugcinweni lweli qumrhu**. Umzekelo, kwiwebsite yalo.

d) Iinkcukacha ezingomntu kufuneka **zihlaziywe njengoko zifumaneka iziphene kuzo**. Umzekelo, ukuba umxhamli uthi angaphindi afikeleleke kwinombolo yomnxeba eselugcinweni, kufuneka isuswe kuvimba.

7.6 Ukulahlwa

Amaphepha okusebenza kunye neekopi ezinokuthi zilahlwe ngokwemigaqo yomlalelo ophangaleleyo wokulahlwa kwazo kufuneka zilahlwe kusetyenziswe into ekhuselekileyo yokulahlela okanye yokuzitshabalalisa. Iikopi zeenkcukacha ezingomntu, kuquka iinkcukacha ezingomntu ezizodwa, ezicwangciswe njengezi**YIMFIHLELO neziselugcinweni kwiqonga lezobuchwepheshe** kufuneka zitshatyalaliswe isigxina okanye kubhalwe phezu kwazo. Ukulahlwa kwazo zonke iiifayili zokuqala kunye neefayili ezikwiqonga lezobuchwepheshe kufuneka kwenziwe ngokwemigaqo **yoMgaqo-nkqubo Wezolawulo Lwamarekhodi** leli qumrhu.

8. Izicelo Zokufikelela Kwabanini-zinkcukacha Kwiinkcukacha Zabo

Bonke abanini-zinkcukacha eziselugcinweni lweli qumrhu banelungelo:

- Lokubuza ukuba **zeziphi na iinkcukacha** ezingabo eziselugcinweni lweli qumrhu, isizathu soko kwanokuba kwabelwana nabani na ngazo.
- Lokubuza ukuba **bangafikelela njani na** kuzo.
- Lokwaziswa **ngendlela yokuzigcina zihlaziyekile.**
- Lokwaziswa ukuba iqumrhu eli **limelana njani na nezigunyaziso zalo ngokwemigaqo yePOPIA.**

Ukuba umnini-zinkcukacha uthi aqhakamshelane neli qumru ecela iinkcukacha le nkqubo yaziwa njengesicelo somnini-zinkcukacha sokufikelela kwiinkcukacha ezo. Izicelo zokufikelela kwiinkcukacha ezenziwa ngabanini-zinkcukacha kufuneka zithunyelwe kwiGosa elifanelekileyo eliliSekela leGosa Leenkcukacha.

9. Ukudiza (ukwabelana) iiNkcukacha Ezingomntu

Iinkcukacha ezingomntu kungabelwana ngazo ngaphakathi kwanamaqumrhu angaphandle ngeenjongo zoqeqesho, umzekelo.

9.1 Ukudizwa ngaphakathi

Ngokuphangaleleyo, iinkcukacha ezingomntu kwabelwana ngazo ngaphakathi kwiqumruh apho kuvumeleke khona ngokomthetho ngeenjongo ezizizo nezifanelekileyo zoshishino. Noxa kunjalo, nkqubo nangaphakathi kwiqumrhu eli ukufikelela kuzo kunezithintelo eziquka abasebenzi kwanamaqumrhu angaphandle ngenjongo yokufikelela kuzo ukuze enze imisebenzi emiselwe yona.

9.2 Ukudizwa ngaphandle

Ukudizwa kweenkcukacha kumaqumrhu angaphandle kwequmrhu eli kwenziwa kuphela ngokususela kwisivumelwano, njengoko kuvumelekile okanye okanye kulindelekile ngokomthetho okanye ngokweenkqubo zomthetho, okanye ngokwemvume yomnini-zinkcukacha. IPOPIA iyavuma ukuba iinkcukacha ezingomntu kwabelwane ngazo **ngaphandle kwemvume yomnini-zinkcukacha ukuba oko kubandakanya ukhuseleko lwesizwe okanye iintshukumo zolwaphulo-mthetho.** Phantsi kwezi meko, iinkcukacha ezingomntu eziceliweyo kuya kuthi kunikezelwe ngazo. Noxa kunjalo, iGosa EliliSekela Lezeenkcukacha ngentsebenziswano noMphathi Wezokhuseleko

liya kuthi liqinisekise ukuba isicelo eso sinyanisekile yaye yaye sihambelana nemigaqo yePOPIA, kucelwe uncedo lwezomthetho kwicandelo Leenkonzo Zomthetho apho kuyimfuneko khona.

10. Ukwaziswa Kwababini-zinkcukacha[4]

Iqumrhu eli lijolise ekuqinisekiseni ukuba abanini-zinkcukacha bayazi ukuba iinkcukacha ezingabo kuyasetyenzwa ngazo, kwanokuba bayawuqonda umcimbi wokusetyenziswa kweenkcukacha ezo zingabo, ukuba athini na amalungelo abo ngokwePOPIA kwanokuba bangawasebenzisa njani na la malungelo. Kwezi nkalo ke, iqumrhu eli linesaziso seemfihlelo, esidiza indlela iinkcukacha ezichaphazela umnini-zo ezingaqokelelwa ze zisetyenziswe ngayo leli qumrhu. Oku ke kuyafumaneka ngesicelo. Ikopi yesi saziso ikwafikeleleka apha https://www.westerncape.gov.za/assets/departments/social-development/popia_dsd_privacy_notice.pdf

11. Unyanzeliso

Ukungathotyelwa kwalo mgaqo-nkqubo naliliphi na iqumrhu langaphandle elisebenza ngeenkcukacha ezingomntu egameni leli qumrhu kuya kuqwalaselwa ngokwemiqathango yesivumelwano ekungenwe kuso Phakathi kweli qumrhu nelo qumrhu langaphandle. Iziphumo zingabandakanya ukulandwa kwayo nayiphi na imidliwo okanye iintlawul oezithe zamiselwa nguMqulunqi Weenkcukacha kwelo qumrhu ngokwemigaqo yePOPIA.

12. Ukuhlautywa Nokuhlaziywa

Lo mgaqo-nkqubo uya kuthi uhlalutywer ze uhlaziywe rhoqo ngonyaka ubuncinci. Ukuba naziphi na iinguqu zezoqulunqo okanye zezoshishino ziye zikhokelela ekongezelelweni okanye kwiinguqu ezimandla kwisimo okanye ekuphathweni kweenkcukacha ezingomntu okunokuthi kudinge ukuba kuhlalutywe lo mgaqo-nkqubo iinguqu ezo ziya kukhokelwa nguMphathi Wezokhuseleko/ngamaSekela eGosa Leenkcukacha ze ziphunyezwe liGosa Leenkcukacha.

Nayiphi na imibuzo kunye nezicelo zokuhlaziywa kwalo mgaqo-nkqubo ziya kudluliselwa kuMlawuli Wezophando Nolawulo Lweenkcukacha.

[4] Jonga iSahluko 8 ukuze ufikelele kwiithemplethi zesi Saziso.

13. Isindululo Nokuphunyezwa

Ngokwemigaqo yale mihlathi ikhankanywe ngentla apha, iSaziso EsingoMgaqo-nkqubo Wabucala weSebe Lophuhliso Loluntu uphunye

YINTLOKO YESEBE: KWISEBE LOPHUHLISO LOLUNTU

uGQIR. ROBERT MACDONALD

Umhla: