

Isolation or quarantine of persons

7. (1) Any person who is a clinical case, or who is on reasonable grounds suspected to be infected or contaminated with COVID-19, or who has been in contact with a person who is infected or contaminated with COVID-19, must comply with—

- (a) an oral instruction of, or a written direction, issued by a medical practitioner, a person authorised by the medical practitioner, a nurse or an enforcement officer to subject himself or herself to screening to determine his or her COVID-19 status; or
- (b) a written direction, issued by a medical practitioner, a person authorised by the medical practitioner, a nurse or an enforcement officer to—
 - (i) voluntarily travel to or be taken to a health establishment or any other place for purposes of isolation or quarantine; or
 - (ii) quarantine himself or herself in accordance with the instructions of such medical practitioner or person authorised by him or her, or a nurse,
 pending the determination of his or her COVID-19 status, as a precautionary measure to contain the transmission of COVID-19.

(2) If a person refuses to quarantine himself or herself, or travel to a site of isolation or quarantined facility as directed, a magistrate in whose jurisdiction such a person is, must make an order as contemplated in Form 1 of Annexure A, to compel such a person to quarantine himself or herself, travel to such site of isolation, quarantined facility, or medical screening.

(3) The—

- (a) Cabinet member responsible for public works and infrastructure;
- (b) member of the provincial Executive Council responsible for public works; or
- (c) accounting officers of municipalities,

must identify and make available sites to be used as isolation and quarantine facilities as the need arises and provide a list thereof to the Department of Health for resourcing.

Contact tracing

8. (1) In this regulation—

- (a) "COVID-19 Tracing Database" means the database established by the National Department of Health in terms of subregulation (2); and
- (b) "COVID-19 Designated Judge" means a judge designated in terms of subregulation (13).

(2) The National Department of Health shall develop and maintain a national database to enable the tracing of persons who are known or reasonably suspected to have come into contact with any person known or reasonably suspected to have contracted COVID-19.

(3) The COVID-19 Tracing Database shall include all information considered necessary for the contact tracing process to be effective, including but not limited to:

- (a) the first name and surname, identity or passport numbers, residential address and other address where such person could be located, and cellular phone numbers of all persons who have been tested for COVID-19;
- (b) the COVID-19 test results of all such persons; and
- (c) the details of the known or suspected contacts of any person who tested positive for COVID-19.

(4) The information contained in the COVID-19 Tracing Database and any information obtained through this regulation is confidential.

(5) No person may disclose any information contained in the COVID-19 Tracing Database or any information obtained through this regulation unless authorized to do so and unless the disclosure is necessary for the purpose of addressing, preventing or combatting the spread of COVID-19.

(6) Where any person is to be tested for COVID-19, the person taking the sample for purposes of testing must obtain as much of the following information as is available at the time of taking the sample—

- (a) the first name and surname, identity or passport number, residential address, and cellular phone numbers of the person tested; and
- (b) a copy or photograph of the passport, driver's licence, identity card, identity book of the person tested;

and promptly submit this information, along with any information it has regarding likely contacts of the person tested, to the Director-General: Health for inclusion in the COVID-19 Tracing Database.

(7) Where any laboratory has tested a sample for COVID-19, the laboratory must promptly transmit to the Director-General: Health, for inclusion in the COVID-19 Tracing Database—

- (a) all details the laboratory has, including the first name and surname, identity or passport numbers, residential address and cellular phone numbers, regarding the person tested;
- (b) the COVID-19 test result concerned.

(8) The National Institute for Communicable Diseases (NICD) must transmit to the Director-General: Health, for inclusion in the COVID-19 Tracing Database—

- (a) all details the NICD has, including the first name and surname, identity or passport numbers, residential address and cellular phone numbers of any person tested for COVID-19;
- (b) the results of the COVID-19 test concerned; and
- (c) any information the NICD has regarding likely contacts of the person tested.

(9) Every accommodation establishment must, promptly after the coming into force of this regulation, transmit to the Director-General: Health, for inclusion in the COVID-19 Tracing Database, the following information regarding every person staying at the accommodation establishment during the period of lockdown—

- (a) the first name and surname, identity or passport number, residential address and cellular phone numbers of the person concerned; and
- (b) a copy or photograph of the passport, driver's licence, identity card or identity book of the person concerned.

(10) The Director-General: Health may, in writing and without prior notice to the person concerned, direct an electronic communications service provider licensed under the Electronic Communications Act, 2005 (Act No. 36 of 2005) to provide him or her, for inclusion in the COVID-19 Tracing Database, with such information as that electronic communications service provider has available to it regarding—

- (a) the location or movements of any person known or reasonably suspected to have contracted COVID-19; and

- (b) the location or movements of any person known or reasonably suspected to have come into contact, during the period 5 March 2020 to the date on which the national state of disaster has lapsed or has been terminated, with a person contemplated in subparagraph (a),

and the electronic communications service provider must promptly comply with the directive concerned.

(11) The information referred to in subregulation (10)—

- (a) may only be obtained in relation to the location or movements of persons during the period 5 March 2020 to the date on which the national state of disaster has lapsed or has been terminated;
- (b) may only be obtained, used or disclosed by authorised persons and may only be obtained, used and disclosed when necessary for the purposes of addressing, preventing or combatting the spread of COVID-19 through the contact tracing process;
- (c) where relevant to the contact tracing process, must be included in the COVID-19 Tracing Database; and
- (d) apart from what is included in the COVID-19 Tracing Database, may only be retained by the Director-General: Health for a period of six weeks after being obtained and shall thereafter be destroyed.

(12) Nothing in this regulation entitles the Director-General: Health or any other person to intercept the contents of any electronic communication.

(13) The Cabinet member responsible for justice and correctional services has, in terms of section 7(1)(a) read with paragraph (d) of the definition of 'service' in section 1(1) of Judges' Remuneration and Conditions of Employment Act, 2001 (Act No. 47 of 2001), appointed a Constitutional Court Judge who has been discharged from active service to perform service as a COVID-19 Designated Judge as provided for in the Regulations.

(14) The Director-General: Health must file a weekly report with the COVID-19 Designated Judge setting out the names and details of all persons whose location or movements were obtained in terms of subregulation (10)(a) and 10(b) respectively.

(15) The COVID-19 Designated Judge may make such recommendations to the Cabinet members responsible for cooperative governance and traditional affairs, health and justice and correctional services as he or she deems fit regarding the amendment or enforcement of this regulation in order to safeguard the right to privacy while ensuring the ability of the Department of Health to engage in urgent and effective contact tracing to address, prevent and combat the spread of COVID-19.

(16) The Director-General: Health shall, within six weeks after the national state of disaster has lapsed, or has been terminated, notify every person whose information has been obtained in terms of subregulation (10) that information regarding their location or movements was obtained in terms of subregulation (10).

(17) Within six weeks after the national state of disaster has lapsed or has been terminated—

- (a) the information on the COVID-19 Tracing Database shall be de-identified;
- (b) the de-identified information on the COVID-19 Tracing Database shall be retained and used only for research, study and teaching purposes;
- (c) all information on the COVID-19 Tracing Database which has not been de-identified shall be destroyed; and

(d) the Director-General: Health shall file a report with the COVID-19 Designated Judge recording the steps taken in this regard, and the steps taken pursuant to subregulation (16).

(18) Upon receipt of the report in subregulation (17)(d), the COVID-19 Designated Judge shall be entitled to give directions as to any further steps to be taken to protect the right to privacy of those persons whose data has been collected, which directions must be complied with.

(19) The report required by subregulation (17)(d) and any directions given in terms of subregulation (18) shall be tabled in Parliament.

Release of resources

9. (1) The Department of Defence must, for the duration of the declared national state of disaster, within its available resources—

- (a) release and mobilise available resources, including human resources, stores, equipment, ships, aircraft platforms, vehicles and facilities; and
- (b) ensure the delivery of essential services, as may be required, to prevent, limit, contain, combat and manage the spreading of COVID-19.

(2) National organs of state must, within their available resources, release their personnel for the rendering of emergency services, as contemplated in section 27(2)(b) of the Act.

(3) Institutions within national, provincial and local government must make resources, other than funding, available to implement these Regulations or directions issued in terms of section 27(2) of the Act regarding the national state of disaster.

(4) Institutions within national, provincial and local government must—

- (a) make funding available; and
- (b) as far as possible, without affecting service delivery in relation to the realisation of the rights contemplated in sections 26 to 29 of the Constitution, shift funding, within its budget to implement these Regulations or directions issued in terms of section 27(2) of the Act, regarding the national state of disaster.

(5) The National Treasury and provincial treasuries must take the necessary steps in terms of applicable legislation to implement these Regulations and directions issued in terms of section 27(2) of the Act, in relation to the national state of disaster.

(6) Donor funding received by institutions, subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999) or the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), to assist with the national state of disaster must be—

- (a) paid into the Reconstruction and Development Fund, established by the Reconstruction and Development Fund Act, 1994 (Act No. 7 of 1994); and
- (b) used strictly for purposes of implementing these Regulations and directions issued in terms of section 27(2) of the Act in relation to the national state of disaster.

Shelters and sites identified by the State during national state of disaster

10. (1) The State shall identify—
- (a) temporary shelters for homeless people that comply with the necessary health protocols and adequate spacing standards as provided for in guidelines published by the Director General of Health; and
 - (b) temporary sites for quarantine and self-isolation that comply with the necessary health protocols and adequate spacing standards, as provided for in guidelines published by the Director General of Health, for persons who cannot isolate or quarantine in their homes.
- (2) The provision of the State's resources contemplated in subregulation (1) shall be for the duration of the national state of disaster, and the use thereof will be subject to conditions determined by the Cabinet member responsible for such resources.

Emergency Procurement Procedures

11. Emergency procurement for institutions is subject to—
- (a) the Public Finance Management Act, 1999 (Act No. 1 of 1999), and the applicable emergency provisions in the Regulations or Instructions made under section 76 of that Act; and
 - (b) the Municipal Finance Management Act, 2003 (Act No. 56 of 2003), and the applicable emergency provisions in the Regulations made under that Act.

Powers and indemnity

12. These Regulations do not limit any powers or indemnities of security services provided for in any law.

Resolution of disputes

13. (1) The parties to a civil dispute against the State or any organ of State, which may potentially result in litigation, may—
- (a) either before or after the commencement of litigation but before the granting of judgment by the court, agree to refer the dispute to mediation; or
 - (b) before the commencement of litigation, agree to refer the dispute to arbitration.
- (2) Where the parties agree to mediation or arbitration:
- (a) the Office of the Solicitor General shall assist the parties in coordinating and overseeing the process; and
 - (b) the parties may agree that a judge who has retired from active service shall act as the mediator or arbitrator as the case may be, in which event no fees shall be payable to such mediator or arbitrator.
- (3) The Office of the State Attorney in whose area of jurisdiction a dispute arises shall immediately upon knowledge of such dispute engage the party raising the dispute, or such party's legal representative, in considering mediation or arbitration.