DEPARTMENT OF TOURISM

NOTICE 102 OF 2020

TOURISM ACT, 2014 (Act NO.3 of 2014)

REGULATIONS IN RESPECT OF THE NATIONAL TOURISM INFORMATION AND MONITORING SYSTEM

I, Mmamoloko Kubayi-Ngubane, Minister of Tourism, acting in terms of section 61(1)(a) of the Tourism Act, 2014 hereby make the regulations in respect of the National Tourism Information and Monitoring System.

MMAMOLOKO KUBAYI-NGUBANE, MP
MINISTER OF TOURISM
DATE: 04/02/2020

TOURISM ACT, 2014 (ACT NO. 3 of 2014)

REGULATIONS IN RESPECT OF NATIONAL TOURISM INFORMATION AND MONITORING SYSTEM

The Minister of Tourism has under section 61(1)*(a)* and (2), read with section 5 of the Tourism Act, 2014 (Act No. 3 of 2014), made the Regulations in the Schedule.

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SCHEDULE

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PART 1

INTERPRETATION AND PURPOSE OF REGULATIONS

Definitions

1. In these Regulations a word or expression to which a meaning has been assigned in the Act, has the meaning so assigned and, unless the context indicates otherwise—

"System" means the national tourism information and monitoring system established in terms of section 5 of the Act; and

"the Act" means the Tourism Act, 2014 (Act No. 3 of 2014).

Purpose of Regulations

2. The purpose of these Regulations is to regulate the collection, recording, management, analysis and dissemination of information and data on tourism in order to monitor developments and trends in tourism.

Application of Regulations

3. These Regulations apply uniformly in all provinces of the Republic of South Africa.

PART 2

NATIONAL TOURISM INFORMATION AND MONITORING SYSTEM

Nature and form of the System

4. The System must be a set of processes and procedures enabled by a web application designed to capture, store, disseminate and analyse tourism information.

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Tourism-related activities and services in respect of which information must be collected

5. Data and information to be captured on the System includes all tourism-related information, such as Tourism Satellite Account ("TSA") classifications and categories and data and information on—

(a) accommodation;

(b) meetings, exhibitions, conferences and special events;

(c) attractions and activities;

(d) tour operators and tourist guide services;

(e) restaurants and similar services;

(f) tourism information services;

(g) hiring and leasing;

(h) passenger transport and related services;

(i) travel agencies and other reservation services;

(j) cultural services;

(k) sports and recreational services; and

(l) tourism-related infrastructure.

Content and form of data and information which must be captured on the System

6. The content and form of data and information which must be captured on the System includes, but is not limited to the following:

(1) Generic information of all tourism businesses in all categories such as

business legal name, trading name, CIPC registration number, years of operation, province, municipality, town, ward, business type, business structure, franchise information, ownership type, classification of business, category, percentage of black ownership, percentage of black-women ownership, B-BBEE status level, enterprise size, B-BBEE certificate expiry date, tourism grading level, universal accessibility, geographical coordinates, member association, hours and days of operation, booking details, social media addresses, physical address and postal address;

(2) Specific information related to categories of tourism businesses such as the following:

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(a) Accommodation: total number of rooms, total number of beds, type of amenities provided, grading level and year of grading;

(b) Meetings, exhibitions and special events facilities: total number of conference rooms, total seating capacity, grading level, year of grading and total parking capacity;

(c) Restaurants, food and beverages: classification of business, dietary restrictions, liquor license, smoking facility, total seating capacity, services offered, grading level, year of grading and whether it is a formal or informal business;

(d) Attractions and activities: type of attraction, activities offered, type of special activities offered and booking information;

(e) Travel agencies and tour operators: type of travel services offered, type of tour operator, type of tours offered, areas of tour operation, and type of special activities offered, carrying capacity and booking information;

(f) Passenger transport services: type of transport services, number of vehicles, number of boats, number of passenger vessels, number of trains, activities offered, services offered, carrying capacity and booking information;

(g) Cultural services: type of cultural services, other activities offered, type of special services offered and booking information;

(h) Tourism information services: type of services offered, type of special services offered, and operating hours; and

(i) Recreational services: type of recreational services, other activities and services offered and booking requirements.

Submission of databases by organs of state

7. The Director-General must implement systems to ensure that organs of state submit databases with complete information.

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Submission of data and information

8. (1) Data and information may be submitted in hard copies or electronically.

(2) Data and information must be submitted at least once a year.

(3) Data and information must be submitted within 30 days, where there are changes to the information or upon request.

Information Security, Protection and Governance

9. (1) Data and information collected in terms of regulation 8 must be used by the Department for administrative and planning purposes.

(2) Collected data and information must be published in aggregated format for purposes of public reporting or statistical analysis.

(3) The data and information storage must comply with the provisions of the Protection of Personal Information Act, 2013 (Act No.4 of 2013).

Record-keeping

10. (1) A person must keep a record of the information submitted to the Department.

(2) The record contemplated in sub-regulation (1) must be—

(a) retained for a period of at least five years; and

(b) made available for inspection by a representative of the Department, upon request.

Verification of data and Information

11. (1) The Department must notify a person who submitted information or data for verification, of the period within which a verification of the information or data will be conducted by the Department.

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(2) If during the verification process, the Department reasonably believes that the information provided is incorrect or misleading, the Department must, in writing and within a reasonable period, afford a person to whom the information belongs an opportunity to correct the information.

PART 3

GENERAL PROVISIONS

Offences and penalties

12. (1) A person commits an offence if a person knowingly provides incorrect or misleading information.

(2) A person who commits an offence contemplated in sub-regulation (1) is liable on conviction to—

(a) imprisonment for a period not exceeding 12 months;

(b) an appropriate fine; or

(c) both a fine and imprisonment.

Short title and commencement

13. These Regulations are called the National Tourism Information and Monitoring System Regulations, 2019, and take effect on the date of publication thereof.

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ISAZISO SIKAHULUMENI,

UMNYANGO WEZOKUVAKASHA

UMTHETHO WEZOKUVAKASHA, KA-2014 (uMthetho NO.3 ka-2014)

IMITHETHOZIMISO MAQONDANA NOLWAZI LWEZOKUVAKASHA KUZWELONKE KANYE NOHLELO LOKUQAPHA

Mina, Mmamoloko Kubayi-Ngubane, uNgqongqoshe Wezokuvakasha, ngenza ngaphansi kwesigaba sama-61(1)(a) soMthetho Wezokuvakasha, 2014 lapha ngenza iMithethozimiso Maqondana Nolwazi Lwezokuvakasha kanye Nohlelo Lokuqapha.

MMAMOLOKO KUBAYI-NGUBANE, MP
UNGQONGQOSHE WEZOKUVAKASHA
USUKU: 04/02/2020

USOMQULU KAHULUMENI

UMNYANGO WEZOKUVAKASHA

UMTHETHO WEZOKUVAKASHA, KA-2014 (UMTHETHO NO. 3 ka-2014)

IMITHETHOZIMISO MAQONDANA NOLWAZI LWEZOKUVAJKASHA KUZWELONKE KANYE NOHLELO LOKUQAPHA

UNgqongqoshe Wezokuvakasha ngaphansi kwesigaba sama-61(1)*(a)*, ufundwa nesigaba sesi-5 soMthetho Wezokuvakasha, ka-2014 (uMthetho No. 3 ka-2014), wenze iMithethozimiso kuSheduli.

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2. Izinhloso Zemithethozimiso
3. Ukusetshenziswa Kwemithethozimiso

INGXENYE YESI-2

ULWAZI LWEZOKUVAKASHA KUZWELONKE KANYE NOHLELO LOKUQAPHA

4. Isimo kanye nendlela Yohlelo
5. Izinto ezihambisana nezokuvakasha kanye namasevisi amaqondana nokuthi yiluphi ulwazi okumele luqoqwe
6. Okuqukethwe kanye nefomu lwemininingwane kanye nolwazi okumele lufakwe ohlelweni
7. Ukuhanjiswa kolwazi olugciniwe ngamagatsha ombuso
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INGXENYE YESI-3

IMIHLINZEKO EYEJWAYELEKILE

12. Amacala kanye nenhlawulo

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13. Isihloko esifushane kanye nokuqaliswa

INGXENYE YOKUQALA

UKUHLAZIYWA KANYE NENHLOSO YEMITHETHOZIMISO

Izincazelo

1. KuleMithethozimiso igama noma inkulumo incazelo yayo efakwe eMthethweni kuthatha leyo ncazelo kanye, ngaphandle uma isimo sisho ngokunye —

"Uhlelo" kusho ulwazi lwezokuVakasha kuzwelonke kanye nohlelo lokuqapha olusungulwe ngokwemigomo yesigaba sesi-5 soMthetho; kanye

"uMthetho" kusho uMthetho Wezokuvakasha, ka-2014 (uMthetho no. 3 ka-2014).

Izinhloso Zemithethozimiso

2. Inhloso yaleMithethozimiso ukulawulwa ukuqoqwa, ukurekhodwa, ukuphathwa, ukuhlaziywa kanye nokusabalalisa kolwazi kanye nemininingwane yezokuvakasha ukuze kuqashwe ukuthuthuka kanye nemikhuba yezokuvakasha

Ukusetshenziswa Kwemithethozimiso

3. Le Mithethozimiso isebenza ngokufana kuzo zonke izifundazwe zeRiphabhulikhi yaseNingizimu Afrika.

INGXENYE YESI-2

ULWAZI LWEZOKUVAKASHA KUZWELONKE KANYE NOHLELO LOKUQAPHA

Isimo kanye nendlela Yohlelo 4. Uhlelo kumele lube uhla kanye nenqubo oluvunyelwe yisicelo sakuwebhu esenzelwe ukuthatha, ukugcina, ukusabalalisa kanye ngokuhlaziya ulwazi lwezokuVakasha.

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5. Izinto ezihambisana nezokuvakasha kanye namasevisi amaqondana nokuthi yiluphi ulwazi okumele luqoqwe **5.** Imininingwane kanye nolwazi olufakwe ohlelweni kuhlanganisa ulwazi olumaqondana nezokuvakasha, njenge-*Tourism Satellite Account* ("TSA") yokwahlukaniswa kanye nezinhlobo kanye nemininingwa kanye nolwazi nge—

(a) ndawo yokuhlala;

(b) imihlangano, imibukiso, inkomfa kanye nemicimbi ekhethekileyo;

(c) ukuheha kanye nezinto ezenziwayo;

(d) abasebenzi bezokuvakasha kanye nabakhaphi kwezokuVakasha;

(e) izindawo zokudlela kanye nezendawo ezifanayo;

(f) ezolwazi ngezokuvakasha;

(g) ukuqasha;

(h) ezokuthutha zabagibeli kanye nezinto ezifanayo;

(i) izinkampani zokuvakasha kanye nezendawo ezinye zokubhukha;

(j) ezamasiko;

(k) ezemidlalo kanye nezokuncebeleka; kanye

(l) nezakhiwo ezimaqondana nezokuvakasha.

6. Okuqukethwe kanye nohlobo lwemininingwane kanye nolwazi okumele lufakwe ohlelweni

6.

Okuqukethwe kanye nefomu lwemininingwane kanye nolwazi okumele lufakwe ohlelweni kuhlanganisa, okungakhawulelwe kokulandelayo:

(1) Ulwazi olwejwayelekile lwawo wonke amabhizinisi ezokuvakasha ngezinhlobo zawo zonke njengegama elisemthethweni lebhizinisi, inombolo ye-PICC yokubhalisa, iminyaka yokusebenza, isifundazwe, umasipala, idolobha, iwadi, uhlobo lwebhizinisi, ukuma kwebhizinisi, imininingwane yemvume, inhlobo yobunikazi, ukwahlukaniswa kwebhizinisi, uhlobo, iphesenti labanikazi abamnyama, iphesenti labanikazi abangabantu besifazane abamnyama, izinga lesimo se B-BBEE, ubukhulu bemvume, usuku lokuphelelwa kwesitifiketi se B-BBEE, izinga lokuhlelwa kwezokuvakasha, ukutholakala ndawozonke,

ukuhlangana ngokwezindawo, inhlangano yamalunga, amahora kanye nezinsuku zokusebenza, imininingwane yokubhukha, imininingwane yezinkundla zokuxhumana, ikheli lebhizinisi leposi; uhlobo lwebhizinisiizinga lokugreda

(2) Ulwazi oluthile olumaqondana nezinhlobo zamabhizinisi afana nalawa alandelayo:

(a) Indawo yokuhlala: inani selilonke lamagumbi, inani selilonke lemibhede, izinhlobo zezinto ezihlinzekwayo, izinga lokugreda kanye nonyaka wokugreda; izinga lokugreda

(b) Imihlangano, imibukiso kanye nezakhiwo zemicimbi yekhethelo: inani lilonke lamagumbi enkomfa, inani selilonke lomthamo wabantu abangahlala, izinga lokugreda, unyaka wokugreda kanye nenani selilonke lomthamo wokupaka;

(c) Amaresturenti, ukudla kanye neziphuzo: uhlobo lwebhizinisi, imithetho yokudayetha, imvume yotshwala, izakhiwo sokubhema, inani selilonke lomthamo wabantu abangahlala, izinsiza ezihlinzekwayo, izinga lokugreda, unyaka wokugreda kanye nokuthi ngabe yibhizinisi elisemthethweni noma cha;

(d) Izinto ezihehayo kanye nezinto ezenziwayo: izinhlobo zezinto ezihehayo, izinto ezeziwayo ezihlinzekwayo, izinhlobo zezinto zekhethelo ezenziwayo kanye nolwazi ngokubhukha;

(e) Izinhlangano zokuvakasha kanye nabasebenzi bezezokuvakasha: izinhlobo zezinto zokuvakasha ezihlinzekwayo, inhlobo yomsebenzi wezokuvakasha, izinhlobo zokuvakasha ezihlinzekwayo, izindawo zokusebenza kwezokuVakasha, kanye nezinhlobo zezinto zekhethelo ezihlinzekwayo, inani labantu abangaphathwa kanye nolwazi lokubhukha;

(f) Izinsiza zezokuthuthwa kwabagibeli: izinhlobo zezinsiza zezokuthutha, inani lezimoto, inani lezikebhe, inani lemikhumbi yabaGibeli, inani lezitimela, izinto ezihlinzekwayo, inani labantu abangathathwa kanye nolwazi lokubhukha;

(g) Izinto zesiko: izinhlobo zezinto zamasiko, ezinye izinto ezihlinzekwayo, izinhlobo zezinto ezikhethekile ezihlinzekwayo kanye nolwazi lokubhukha;

(h) Ulwazi lwezinsiza zezokuvakasha: izinhlobo zezinto ezihlinzekwayo, kanye nezikhathi zokusebenza; kanye

(i) Izinto zokuzijabulisa: izinhlobo zezinto zokuzijabulisa ezihlinzekwayo kanye nezimfuneko zokubhukha.

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7. Ukuhanjiswa kolwazi olugciniwe ngamagatsha ombuso

UMqondisi-Jikelele kumele aqalise izinhlelo ukuqinisekisa ukuthi amagatsha ombuso ahambisa ulwazi olugciniwe olunayo yonke imininingwane.

Ukuhanjiswa kwemininingwane kanye nolwazi

8. (1) Ulwazi kanye nemininingwane kumele kuhanjiswe ngamakhophi abambekayo noma ngobuchwepheshe.

(2) Ulwazi kanye nemininingwane kumele kuhanjiswe okungenani kanye ngonyaka.

(3) Ulwazi kanye nemininingwane kumele kuhanjiswe ezinsukwini ezingama-30, lapho kunoshintsho elwazini noma lapho kuceliwe.

Ukuvikelwa kolwazi, Ukuphepha kanye Nokwengamela

9. (1) Ulwazi kanye nemininingwane okuhlanganiswe ngokwemigomo yesigaba sesi-8 kumele lusetshenziswa nguMnyango ngezinhloso zokuphathwa kanye nokuhlela.

(2) Imininingwane kanye nolwazi okuhlanganisiwe kumele kushicilelwe ngendlela ehlanganisiwe ngezinhloso zombiko womphakathi noma ukuhlaziya izibalo.

(3) Indawo yokugcina ulwazi kumele ihambisane noMthetho Wokuvikelwa Kolwazi Lwabantu, ka-2013 (uMthetho No.4 ka-2013).

Ukugcinwa kwamarekhodi

10. (1) Umuntu kumele agcine irekhodi lolwazi oluhanjiswe eMnyangweni.

(2) Irekhodi okukhulunywe ngalo kumthethosimiswaneni kumele—

(a) ligcinwe okungenani isikhathi esingangeminyaka eyisihlanu; futhi

(b) lenziwe ukuthi libe khona ukuthi lihlolwe omele uMnyango, uma kuceliwe.

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Ukuqinisekiswa kwemininingwane kanye nolwazi

11. (1) UMnyango kumele wazise umuntu ohambise ulwazi noma imininingwane ukuthi iqinisekiswe, ukuthi kuzothatha isikhathi esingakanani ukuqinisekiswa kolwazi noma imininingwane nguMnyango.

(2) Lapho kusohlelweni lokuqinisekiswa, uMnyango ukholwa ngukuthi ulwazi oluhlinzekiwe alulona iqiniso, uMnyango kumele, ngokubhala kanye nasesikhathini esifanele, unike umuntu ilwazi okungolwakhe ithuba lokulungisa ulwazi.

INGXENYE YESI-3

IMIHLINZEKO EYEJWAYELEKILE

Amacala kanye nenhlawulo 12.

(1) Umuntu wenza icala uma umuntu ehlinzeka ngolwazi olungelona iqiniso ngamabomu.

(2) Umuntu owenza icala okukhulunywe ngalo kumthethosimiswana soku-(1) engagwetshwa—

(a) ejele isikhathi esingedluli izinyanga eziyi-12;

(b) inhlawulo efanele; noma

(c) kokubili inhlawulo kanye nokugwetshwa ejele.

Isihloko esifushane kanye nokuqaliswa

13. Le Mithethozimiso ibizwa ngeMithethozimiso Yolwazi Lwezokuvakasha kuZwelonke kanye Nohlelo Lokuqapha, ka-2019, futhi izoqala ukusebenza ngosuku lokushicilelwa kwayo.

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