

South Africa

Tourism Act, 2014

## National Tourism Information and Monitoring System Regulations, 2019

General Notice 102 of 2020

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# National Tourism Information and Monitoring System Regulations, 2019

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## South Africa

### Tourism Act, 2014

# National Tourism Information and Monitoring System Regulations, 2019

## General Notice 102 of 2020

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**Assented to on 4 February 2020**

**Commenced on 21 February 2020**

*[This is the version of this document from 21 February 2020.]*

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.

## Part 1 – Interpretation and purpose of Regulations

### 1. Definitions

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](#)).

### 2. Purpose of Regulations

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.

### 3. Application of Regulations

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

## Part 2 – National Tourism Information and Monitoring System

### 4. Nature and form of the System

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

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

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.

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

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:
  - (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.

## **7. Submission of databases by organs of state**

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

## **8. Submission of data and information**

- (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.

## **9. Information security, protection and governance**

- (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](#)).

## **10. Record-keeping**

- (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.

## **11. Verification of data and information**

- (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.
- (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**

## **12. Offences and penalties**

- (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.

**13. Short title and commencement**

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