

Scarlett Group & Palm House

Protection of Personal Information Act 4 of 2013 "POPIA"

Because the Scarlett Group and its directors value its clients and client information, it has implemented the necessary Protection of Personal Information Act 4 of 2013 "POPIA" measures in an attempt to ensure your information safety, our internet usage safety and in order to ensure that you understand why we collect your information and what we will be doing with it.

We request all our guests who book with us to understand upon Registration or before we will be required by law to take the details listed below. These must be kept as a record and will also aid us if you are a returning guest. We take great care to protect your personal information and kindly request you adhere to the law.

We also have an online Guest Registration Form that is used and is internet secure.

Please note that the Scarlett Group will never share your information for financial gain or with third parties.

Guest Identification Requirements in South Africa

You may or may not be aware that as of 26 May 2014, the Immigration Act 13 of 2002 (the "Act") has been amended. Section 40(1) of the Act, read together with Regulation 36, states that, inter alia, all hotels and motels must keep a register containing details of **all persons who are provided with lodging or sleeping accommodation**. The Register must, in respect of a lodger, contain:

1. His or her full names and surname;
2. A copy of his or her identification document or passport;
3. His or her residence status in the Republic; and
4. His or her normal residential address.

Under the Act each lodger must sign the register and furnish the prescribed particulars regarding himself or herself.

Penalties for non-compliance, both for the guest and the premises, include:

1. Guilty of an offence / crime;
2. Fine; and/or
3. Imprisonment for a period not exceeding 12 months.

Extracts from the Immigration Act and Regulations

Section 40

40. Keeping of registers of lodgers by certain persons

(1) The person in charge of any premises, whether furnished or unfurnished, where lodging or sleeping accommodation is provided for payment or reward shall, if those premises fall within a prescribed class, in the prescribed manner keep a register of all persons who are provided with lodging or sleeping accommodation thereon, and every such person shall sign the register and furnish therein the prescribed particulars regarding himself or herself.

Regulation 36

Keeping of registers of lodgers by certain persons

36. (1) The classes of premises contemplated in section 40(1) of the Act are-

- (a) hotels and motels;
- (b) boarding houses and lodges;
- (c) guest houses; and
- (d) apartment buildings.

In light of the above and that there is no definition in the Act of “persons”, the interpretation is that it extends to all.

ASATA have been approached – and have responded positively - to assist us in informing guests at the time of booking that they will be required to provide positive ID when checking into any accommodation establishment and that a copy of the ID document will be taken by the hotel for purposes of this legislation. There has naturally been a push-back from the public, but as you can see from Section 40(1), both parties (establishment and guest) can be penalised for non-compliance.

The requirement for positive ID is already being imposed by the airlines, car rental companies, booking agents, ticketing agents etc. Only in our case, the legislation stipulates that we have to keep a copy of the ID.

As the industry, we need to show a united front in enforcing this legislation and to ensure that the requirement of taking a copy of a valid identification document is uniformly applied throughout.