



**Film and
Publication
Board**

ANNUAL PERFORMANCE PLAN

FINANCIAL YEAR 2024/2025

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1. ACRONYMS AND ABBREVIATIONS

AI	Artificial Intelligence
CCI's	Content Classification Index
CSAM	Child Sexual Abuse Material
DCDT	Department of Communications and Digital Technology
EA	Executive Authority
FP Act	Films and Publications Act
FPB	Film and Publication Board
FPGs	Films, Publications and Games
GCIS	Government Communications and Information System
HC	Human Capital
ICASA	The Independent Communications Authority of South Africa
INHOPE	International Association of Internet Hotlines
ICT	Information Communications Technology
KPI	Key Performance Indicator
MDDA	Media Development and Diversity Agency
PPM&E	Planned Performance Monitoring and Evaluation
MoU	Memorandum of Understanding
MTEF	Medium-Term Expenditure Framework
MTSF	Medium-Term Strategic Framework
NDP	National Development Plan 2030
OD	Organisational Design
PFMA	Public Finance Management Act
PMO	Project Management Office
SABC	South African Broadcasting Corporation
SADC	Southern African Development Community
SAFACT	South African Federation Against Copyright Theft
SAM	Sexual Abuse Material
SAPS	South African Police Service
SARS	South African Revenue Service
SO	Strategic Outcome
SOP	Standard Operating Procedure
UGC	User-Generated Content

2.ACCOUNTING AUTHORITY STATEMENT

The Film and Publication Board (FPB) is a public entity established in terms of the Films and Publications Act 65 of 1996, as amended (FP Act) under the Department of Communication and Digital Technology (DCDT). In terms of the Films and Publications Act (no.11 of 2019), the mandate of the FPB has been expanded to regulate the creation, production and distribution of films, games, and certain publications in the country where such content is considered as harmful or prohibited as defined in the FP Act.

In pursuit of this mandate the FPB:

- Classifies films, games, and certain publications to ensure age-appropriateness in their consumption,
- Manage a dedicated Hotline where CSAM/CSEM can be reported,
- Regularly conduct online monitoring for any harmful and prohibited content, and direct take-down,
- Manage a public compliant system for the public to lay their complaint regarding non-compliance with any provisions of the Act and classification decisions,

2.1 SHAREHOLDER'S STRATEGIC INTENT

Following the 2nd September 2021 request by our Shareholder for the FPB to redefine our role as the future regulator within the online regulatory environment, we have submitted the proposal which re-envision the FPB as a content regulator and recommendations on measures to strengthen its mandate in this regard.

The Budget Vote speech announcement does not only strengthen and refine the mandate of the FPB, but the announcement of a single content regulatory system that is platform and technology neutral presided by the FPB guarantees its future survival. As the entity we will work closely with the DCDT as our policy maker to ensure that the proposal is fully implemented through appropriate policy and legislative review.

This Annual Performance Plan (APP) reflects a response to our entity's 5-year- strategy outlining how the entity implements the FP Amendment Act (no.11 of 2019) and our vision as set out in the Future Regulator document. The Plan is formulated within the context of

the following forces inevitably driving changes to the FPB's strategic priorities in the 2024/2025 Financial Year:

2.2 POST COVID-19 ERA BUSINESS RECOVERY

Following 3 years of subdued performance in the global content development industry owing to the COVID-19 pandemic, we are witnessing a significant recovery as reflected in the number of materials submitted for classification since Quarter 1 of the 2023/24 Financial Year. This is good news as classification is the core business of the FPB bankrolling our online safety mandate and child protection, therefore critical to the entity's sustainability. These growing numbers force us to accelerate our self-classification model and digitization programme, to bring efficiency to the classification business. In this way, our classification decisions can be issued quicker and in a less costly manner, without compromising the quality and the intended objectives of protecting our children against the consumption of age-inappropriate content. We will also fortify our classification in other areas including music which we neglected for several years.

2.3 IMPLEMENTATION OF FILMS AND PUBLICATIONS AMENDMENT ACT, 2019- THE JOURNEY CONTINUES

The task of implementing the Film and Publication Act (no.11 of 2019) remains our priority during the medium term. In our second year of implementing this Act, the focus shifts from organizational transformation to build technological capacity for both organizational efficiencies and enforcement.

2.4 FIGHTING ONLINE HARMS AND VIOLENCE: ONLINE HATE AND TECHNOLOGY-FACILITATED ABUSE

The unprecedented increase in violence directed at the public, particularly women, children and other vulnerable groups requires that we use our regulatory powers to respond to this scourge. We will, in collaboration with our partners, both locally and internationally, continue to implement our online safety programmes to raise awareness of online gender-based and other technology-facilitated abuses, including Non-Consensual Sharing of Intimate Images (NCII). Where required, we will apply the regulatory powers.

2.5 SUPPORTING DEMOCRATIC PROCESS: MISINFORMATION AND DISINFORMATION

In its *Global Risks Perception Survey for 2023-2024*, the World Economic Forum (WEF) has identified misinformation and disinformation “as the most severe global risk anticipated over the next two years likely to widen societal and political divides”. Its anticipation within two years, means it is immediate. In view of the looming of the National and Provincial Elections (NPE) in South Africa, this puts increased pressure on the FPB as an online content regulator to continuously assess how all the services it regulates in terms of the FP Act, particularly internet services and Internet access providers and user-to-user and search engines services adequately handle misinformation on their platforms. To ensure elections free from misinformation and disinformation and mitigate the consequential risks associated with them, the FPB will during the FY support the Independent Electoral Commission (IEC) by monitoring the distribution of misinformation and disinformation during the National and Provincial Elections (NPE) 2024. This is critical to ensure that the legitimacy of this hard-fought-for democratic process is not undermined in the country.

2.6 OUR BIGGEST RISK!

While accelerating our mandate execution, we are not oblivious to the risks facing us in this journey, in particular funding challenges and the Draft Audio and Audiovisual Content and Media Services paper. Given our expanded mandate, the limited funding compounded by the 15% budget cut during the Medium-Term threatens our sustainability and ability to deliver on this crucial mandate which congruent with the objectives of the NDP Vision 2030, seeks to create safer online communities.

Noting this existential risk, we have finalized the Revenue Enhancement Strategy so that we can fortify our self-generated revenues through the regulation fees instead of overly relying on the fiscus. On the other hand, the Draft Audio and Audiovisual Content and Media Services paper in its current form brings uncertainty to the continued existence of the FPB as an online content regulator. Based on our international benchmarks and lessons globally in this area, we will continue to engage our policymakers in this regard to provide available options for efficient regulatory reform that is in the interest of South Africa and its people.

2.7 OUR BRAND PROMISE

Our brand promise "**EDUCATE. PROTECT. ENFORCE**" remains central to our Integrated Communication, Stakeholder Engagement, and Strategic Partnerships strategy. The FPB will continue to grow its local and global footprint to ensure that while heightening awareness of the FPB's mandate and its compliance requirements, we forge strategic partnerships. International partnerships are critical given the transnational nature of the industry we regulate and the internet as a borderless platform which requires collaborations for knowledge sharing and enforcement. For this reason, continuous benchmarking of our work against global best practices will remain a strategic thrust.



Ms. Z Mkosi

Council Chairperson

Date:

3. ACCOUNTING OFFICERS' STATEMENT

This APP details the overall objectives and the entity's priorities for the 2024/2025 FY.

3.1 OUR BUSINESS DRIVERS

As a fully-fledged regulator that is resilient, responsive, and seeks to enjoy the public trust, our business during the medium term, will continue to be driven mainly by the following activities:

- Organisational transformation and stability;
- Protection of children and other vulnerable groups;
- Content moderation and quality assurance;
- Monitoring compliance and enforcement;
- Implementation of the regulatory instruments and guidelines developed in the last two years,;
- Public Education and Awareness regarding the FPB's mandate; and
- Strengthening Revenue enhancement to executive our mandate.

3.2 THE CHANGING CONTEXT

2024/2025 marks the second year of the journey of the FPB in implementing the FP Amendment Act as mapped out in our strategy approved by our Shareholders and subsequently tabled in Parliament in March 2022.

As outlined in our Strategy, we will for the medium term continue to:

- (a) Implement the FP Amendment Act (no.11 of 2019), and
- (b) Strengthen the FPB as an online content regulator.

Our outcomes and outputs in pursuit of these 2 priorities remain:

FPB OUTCOMES	FPB OUTPUTS
Enhanced public protection against harmful and prohibited content	<ul style="list-style-type: none">•Mandated content regulated•Compliance with regulations enforced
The public making informed consumption choices	<ul style="list-style-type: none">•Public Informed

Organizational sustainability	•Internal organizational excellence achieved
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This journey continues to take shape in a phased approach. As noted above, the strategic focus remains the same, however, it is the strategic emphasis that will slightly change during these phases. with more emphasis on public education and awareness, online monitoring for harmful and prohibited content, children protection and modernisation of our classification business.

PHASE 1 ORGANISATIONAL TRANSFORMATION.

Phase 1 which occurred in the first year of strategy implementation focused mainly on organizational reconfiguration to align the resources to the revised strategy, review of policies, capacitation, and updating of regulatory instruments. For this reason, more attention was placed on Programmes 2 and 5. The new regulatory instruments prioritized and developed in terms of section 31A of the FP Amendment Act to implement the new Act were Gazetted.

With the finalization of the new organizational structure and the lifting of the moratorium which delayed the recruitment of staff, this phase has been completed. The Human Resources (HR) Turnaround Action Plan is being finalized to deal with legacy HR issues. We have commenced with the Business Reengineering Process to refine our functions and the delivery thereof so that we can be efficient in this regard. We hope to complete this exercise during the current FY. For the new Financial Year, 2024/2025 the priority of the FPB will be followed by an organizational design process to align the approved organizational structure to the required headcount in line with the available compensation budget, to deliver on the expanded mandate and FPB salary and benefits to industry benchmarked report.

PHASE 2: THE INDUSTRY CHANGES AND THE INEVITABLE SHIFT

As noted previously, disruptive changes continue to characterize our environment:

- Positive trends in the increase in materials submitted for classification since quarter 1 of 2023/2024 FY.
- Increased online harms and abuses globally requiring a transnational response as evidenced by increased online children's exposure to harmful content and unprecedented levels of online abuse and hate speech, directed mainly at women and the youth (cyber-bullying, harassment, and trolling).
- Lackadaisical approach to fighting online harms and abuse by the operators.
- Fluidity of the online content distribution market.
- Massive layoffs in the Big Tech industry which put the operators' capacity to curb online harms at risk,
- Overall industry growth and revenue opportunities.

As an online content regulator, the FPB must adequately respond to these issues. Although the FPB has started gearing itself to the growing challenges and trends, a lot of work is yet to be done, particularly from a technological perspective. There is an urgent need to deliver our mandate technologically.

For the new FY, 2024/2025 the priority of the FPB is to start migrating our services and enforce compliance and monitoring online. This will be carried out in a phased approach in line with our financial and human resource capacity.

In line with these priorities, Phase 2 of the strategy implementation puts more emphasis on building technological capability. This is to ensure that the expanded mandate is fully incorporated into the programmes of the FPB and that the entity is ready to enforce compliance with its regulations developed in the first phase.

PHASE 3 ENFORCEMENT

To ensure that the Enforcement Committee is fully functional and ready to investigate and to adjudicate matters of non-compliance and where appropriate, impose a fine we have published the Enforcement Committee Rules to guide the operations of the Committee. The Enforcement Registrar was appointed to co-ordinate case flow management to support the

process of the Committee. Our focus is to ensure that all investigated matters of noncompliance with the provisions of the Act are brought before the Committee for an appropriate sanction.

3.3 OUR PEOPLE

At the heart of every organization driving its performance and resilience is its people. To achieve this, we need to invest in future skills development, including technology Generative Artificial Intelligence (AI), machine learning, data analytics, and information security and digital talents to drive a digitally driven organization. Therefore, our investment will continue to be focussed on investment in technology and our employee training and re-skilling. We have successfully implemented an Internal Talent Mobility Programme which allowed the transfer our suitably qualified staff to the core areas of the organization.

Career management interventions were also implemented to support internal employees as they pursue their career aspirations aligned with the FPB mandate. For 2024/2025, more emphasis will be on the implementation of a robust and impactful reskilling programme and talent management intervention to build organic career growth so that we retain our talent in line with our vision of being an employer of choice.

The future is digital and implementing the FPB's mandate requires technology.



Dr. Mashilo Boloka

Chief Executive Officer

Date: 28-02-2024

4. OFFICIAL SIGN-OFF

It is hereby certified that this Annual Performance Plan:

- Was developed by the Council and Executive management of FPB.
- Takes into account all the relevant policies, legislation, and other mandates under the custodianship of the FPB, and
- Accurately reflects the revised Impact, Outcomes, and Outputs that the FPB will endeavour to achieve over the period 2024-2025



Ms. BM Nkumanda
Corporate Services Executive
Date: 27 February 2024



Adv. M Lindhorst
Regulatory Development & Enforcement Executive
Date: 27 February 2024



Mr. E Tihako
Technology Support & Platform Monitoring Executive
Date: 27 February 2024



Ms. H Ramugadi
Chief Financial Officer
Date: 28 February 2024



Dr. M Boloka
Chief Executive Officer
Date: 28-02-2024



Ms. Z Mkosi
Chairperson: FPB Council
Date:

PART A:

5. OUR MANDATE

5.1 CONSTITUTIONAL MANDATE

Freedom of expression has been provided for in the Constitution of the Republic of South Africa, 1996 (Constitution) where section 16 states that:

- “(1) Everyone has the right to freedom of expression, which includes –
- (a) freedom of the press and other media.
 - (b) freedom to receive or impart information or ideas.
 - (c) freedom of artistic creativity, and
 - (d) academic freedom and freedom of scientific research.
- (2) The right in subsection (1) does not extend to –
- (a) propaganda for war.
 - (b) incitement of imminent violence; or
 - (c) advocacy of hatred that is based on race, ethnicity, gender, or religion, and that constitutes incitement to cause harm.”

The Constitutional Court in *Qwelane v South African Human Rights Commission and Another* (CCT 13/20) [2021] ZACC 22 (31 July 2021) at par 68 – 69 held that:

“[68] Freedom of expression “is of the utmost importance in the kind of open and democratic society the Constitution has set as our aspirational norm”. This is because it “is an indispensable facilitator of a vigorous and necessary exchange of ideas and accountability.

[69] According to Emerson, four particular values undergird the right to freedom of expression. These, as I understand them, include (a) the pursuit of truth; (b) its value in facilitating the proper functioning of democracy; (c) the promotion of individual autonomy and self-fulfilment; and (d) the encouragement of tolerance.”

The Constitutional Court in *Qwelane* importantly went on to state however at par 73 – 74 that:

“[t]he corollary of the freedom of expression and its related rights is tolerance by society of different views. Tolerance, of course, does not require approbation of a particular view. In essence, it requires the acceptance of the public airing of disagreements and the refusal to silence unpopular views.” In *Islamic Unity*, Langa DCJ elucidated:

Freedom of expression is applicable, not only to information or ideas that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock, or disturb the state or any sector of the population. Such are the demands of pluralism, tolerance, and broadmindedness without which there is no democratic society.

[74] These dictates of pluralism, tolerance, and open-mindedness require that our democracy fosters an environment that allows a free and open exchange of ideas, free from censorship no matter how offensive, shocking, or disturbing these ideas may be. However, as stated by this Court in *Mamabolo*, this does not mean that freedom of expression enjoys superior status in our law. Similarly, a unanimous Court in *Khumalo v Holomisa* stated that, although freedom of expression is fundamental to our democratic society, it is not a paramount value. As this Court observed in *Laugh it Off*, “We are obliged to delineate the bounds of the constitutional guarantee of free expression generously”.

Acknowledging the fact that South Africa is a relatively young democracy that has emerged from decades of repression, censorship, and prescribed conformity, the freedom of expression and the rights of the media be protected.

Section 36 of the Constitution however provides that:

“(1) The rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality, and freedom, taking into account all relevant factors, including –

- (a) the nature of the right.
- (b) the importance and the purpose of the limitation.

- (c) the nature and extent of the limitation.
- (d) the relationship between the limitation and its purposes.
- (e) less restrictive means to achieve the purpose.”

It is to maintain the required proportionality and balance between respecting the freedom of expression and protecting the rights of persons, in particular those of children, that the Films and Publications Act, 1996 (Act No. 65 of 1996), as amended (FP Act), has been promulgated. The FP Act repealed the Indecent or Obscene Photographic Matter Act, 1967 (Act No. 37 of 1967), and the Publications Act, 1974 (Act No. 42 of 1974), and created a new comprehensive regulatory framework for films, games, and certain publications. The FP Act provides for the establishment of the Films and Publication Board (FPB) that is responsible for the classification of both films, games, and certain publications, and no film or game may be distributed or exhibited in public unless it has been classified by the FPB.

The FP Act is a “law of general application” as required by section 36 (1) of the Constitution. The Constitutional Court has held that such a requirement derives from an important principle of the rule of law, namely that “rules be stated in a clear and accessible manner”.¹

To this end the Legislature may and has, consistent with the Constitution, promulgated the FP Act to regulate the creation, production, possession, and distribution of films, games, certain publications, and the internet by way of classification to:

- a) protect consumers against harmful and disturbing material while allowing adults to make informed choices for themselves and the children in their care by providing consumer advice;
- b) protect children from exposure to disturbing and harmful material and from premature exposure to adult material;
- c) make the use of children in pornography and exposure to pornography punishable;
- d) criminalize the possession, production, and distribution of child pornography; and
- e) create offenses for noncompliance with this Act.²

¹ *Dawood and Another v Minister of Home Affairs and Others, Shalabi and Another v Minister of Home Affairs and Others; Thomas and Another v Minister of Home Affairs and Others* 2000 (3) SA 936 (CC); 2000 (8) BCLR 837 (CC) para 47.

² Section 2 of the Films and Publications Act, 1996 (Act No. 65 of 1996), as amended.

In doing so the provisions of the FP Act are justifiable noting that the nature of the right and the extent of the limitation, on the one hand, and the purpose of the limitation on the other need to be considered.³

Acknowledging that freedom of expression is an important right in our Bill of Rights, there is nonetheless a legitimate government purpose to empower the FPB to execute its legislative mandate. The main purpose of the FP Act, through the regulatory tool used by the FPB is to classify content to provide age ratings and consumer advisories to ensure that consumers make appropriate viewing and gaming choices for themselves and children in their care. The FPB classification regime is premised on the formulation of classification guidelines⁴ which is informed by empirical evidence on what can be deemed harmful for adults and children. The formulation of the classification guidelines entails extensive public consultations, ensuring the standards placed within the classification guidelines are in line with public expectations.

This means the classification guidelines formulation process is evidence-based, transparent, and has accountability mechanisms, with all of these essential in the regulatory policy formulation of a democratic state. Such a process is undertaken however within the framework of the Bill of Rights to ensure compliance with sections 8 (1) and (3) of the Constitution which provides with regards to the former that the Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state and with regards to the latter that in giving effect to the Bill of Rights one must apply or if necessary develop the common law to the extent that legislation does not give effect to any right and develop rules of the common law to limit any right provided that the limitation is by section 36 (1) of the Constitution.

³ *S v Manamela and Another (Director-General of Justice Intervening)* 2000 (3) SA 1 (CC); 2000 (5) BCLR 491 (CC) paras 65-66.

⁴ Section 4A (1)(a) of the Films and Publications Act, 65 of 1996.

5.2 LEGISLATIVE AND POLICY MANDATE

LEGISLATIVE MANDATES

The mandate of the FPB is to protect consumers against harmful and prohibited content as defined in the Act by regulating the creation, production, possession, and distribution of films, games, certain publications, and the internet.

FUNCTIONS, POWERS, AND DUTIES OF THE FPB COUNCIL:

By section 4A (1) of the FP Act, the Council of the FPB shall:

- a) In consultation with the Minister, issue directives of general application, including classification guidelines, by matters of national policy consistent with the purpose of the FP Act.
- b) Determine and issue a Code of Conduct for members of the Council.
- c) In consultation with the Minister, appoint a chief executive officer.
- d) In consultation with the Minister, determine the qualifications, experience as well and terms and conditions of the employment of Classifiers.
- e) Appoint such several Classifiers that comply with the determinations as may be required, having regard to the likely volume of applications and submissions that will be made in terms of the FP Act.
- f) At least four times a year, review, and report to the Minister on the functioning of the FPB to ensure that the objects of the Act are implemented efficiently and that the FPB discharges its obligations and responsibilities by the Act or any other law; and
- g) Exercise and perform such other functions, powers, and duties as are conferred or imposed on the Council by or under the Act or any other law.

ROLE	DESCRIPTION (AND RELATED PROVISIONS)
Regulatory role	To regulate the creation, production, possession, and distribution of films, games, and certain publications. The FP Act brings greater accountability and the Enforcement Committee as a legal instrument to strengthen the institution's ability to enforce compliance (section 3(1) (d) and (2)).
Issue and renew classification and accredit distribution licenses	To issue and renew classification licenses and accredit distribution licenses.
Classification and compliance monitoring.	To impose age restrictions and give consumer advice on the content of films, games, and certain publications, with due regard to the protection of members of the public and in particular children against disturbing and harmful content (sections 18 and 21).
Prohibited content and illegal conduct online	To prohibit and penalize the distribution of content that amounts to prohibited content online.
Child Protection	To make punishable the exploitative use of children in pornographic (child sexual abuse material – (CSAM)) content of films, games, certain publications, and online (Mandate).

Table 1: The FPB's Legislative Powers and Functions

5.3 LEGISLATIVE REVISIONS

Since its inception approximately 26 years ago, the FPB has had the responsibility of classifying films, games, and certain publications in line with South African values and norms under the overarching application of the Bill of Rights. This approach is a distinct difference from the censorship regime used by the Apartheid government to advance the then-state's discriminatory and dehumanizing political agenda.

The role of the FPB has previously been regulating the distribution of content, which was easily identifiable. Films were distributed via VHS, disc (DVD and Blu-ray), and in cinema format, and games were likewise distributed in disc format whereas publications were in pre-packaged magazines and books.

With developments in technology, content has moved to online streaming or digital platforms. Consumers, particularly children, now can access content that may not have been appropriately classified and labelled through such online streaming and digital platforms.

5.4 IMPACT OF THE FP AMENDMENT ACT

5.4.1 ORGANISATIONAL IMPACT

As indicated previously, the amendments to the FP Act have expanded the entity's mandate beyond merely the classification of content into a fully-fledged regulator. This mandate is currently being pursued through four operational activities supported mainly by Technology and Human Capital Transformation, Public Complaints Management, Licensing and Compliance, Revenue Enhancement, Regulatory Development and Enforcement namely:

- a) Classification of content such as films, games, and certain publications;
- b) Licensing and renewals of distributors, including Commercial Online Distributors.
- c) Revenue enhancement
- d) Dealing with complaints lodged by the public relating to distribution of:
 - i) private sexual photographs and films;
 - ii) the filming and distribution of films and photographs depicting sexual violence and violence against children; and

- iii) the distribution of content containing propaganda for war; incitement of imminent violence and advocacy of hatred that is based on identifiable group characteristics, and that constitutes incitement to cause harm has taken place.
- e) Monitoring compliance and ensuring enforcement where non-compliance is identified (both in terms of the physical and online distribution of content).

5.4.2 REGULATORY IMPACT

The introduction of amendments to the FP Act has been necessitated by the need to address the following regulatory challenges:

- a) Align the definition of child pornography to the definition in terms of the Constitutional Court judgment in the case of *De Reuck v Director of Public Prosecutions (Witwatersrand Local Division) and Others* 2004 (1) SA 406 (CC);
- b) Give effect to the constitutional amendments of section 16 (2)(a) as instructed by the Constitutional Court in *Print Media South Africa and Another v Minister of Home Affairs and Another* 2012 (6) SA 443 (CC);
- c) Decriminalize the online distribution of adult content on all platforms including digital platforms;
- d) Provide for the establishment of a co-regulation system that will allow for accreditation by the FPB of independent classification bodies to classify their own digital films, games, and publications;
- e) Provide for an effective penalty regime in support of, amongst others, the coregulation approach; and
- f) Protect the public against growing online harms.

The purpose of the amendments to the FP Act therefore is to close the regulatory gap that currently exists in the online market. Consumers, and children in particular, run a risk of exposure to harmful and prohibited content that is distributed on online streaming and digital platforms. It is important to note that what is deemed to be harmful content may differ from one jurisdiction to the next. Harmful content is a value-laden concept, and it needs to reflect the societal values and norms of that country. The amendments therefore extend the current rating system and content regulatory regime to digital and online content-providing services. This enhances the protection of children and limits consumer concerns and confusion.

5.5 RELEVANT COURT RULINGS

Below is a list of the most recent and relevant court cases applicable to the work of the FPB. The list is not exhaustive.

1. *Indigenous Film Distribution (Pty) Ltd and Another v Film and Publication Appeal Tribunal and Others* [2018] 3 All SA 783 (GP)

The decision of the Appeal Tribunal to reclassify the film “Inxeba” as “X18” because it depicted secretive initiation rituals and a same-sex relationship in the context of these rituals was set aside by the High Court. The film was originally classified as suitable for persons over the age of 16. The basis for this decision was because the distributor and producer of the film were not afforded a proper opportunity to participate in the proceedings before the Appeal Tribunal and as such its decision to reclassify the film as X18 was removed and set aside.

2. *De Reuck v Director of Public Prosecutions (Witwatersrand Local Division) and Others* 2004 (1) SA 406 (CC).

The application before the Constitutional Court was for leave to appeal a decision of the High Court in which the Applicant was found guilty of importing and possessing Child Sexual Abuse Material (CSAM) in terms of section 27 (1) of the FP Act. The Constitutional Court held that the section constitutes a law of general application and the limitation of the rights claimed (freedom of expression and privacy) is reasonable and justifiable in that a person is allowed to possess child pornography should the FPB grant an exemption based on a good cause in that respect. It was further held that CSAM does not consist of all depictions of a nude child, but rather those that stimulate erotic feeling, not aesthetic feeling, the test being an objective one. The limitation serves a legitimate purpose, viz. protecting the dignity of children, stamping out the market for photographs made by abusing children, and preventing a reasonable risk that the images will be used to harm children. The appeal was dismissed.

3. *Print Media South Africa and Another v Minister of Home Affairs and Another* 2012 (6) SA 443 (CC).

The Constitutional Court, confirming the High Court’s ruling, held that legislative provisions in the FP Act which required publishers to submit publications containing certain categories of “sexual conduct” for examination before publication were unconstitutional. The Constitutional Court reasoned that the administrative prior classification provided for under the FP Act amounted to a form of prior restraint which is a drastic interference with freedom of speech that should only occur where there is a substantial risk of grave injustice which was not the case here where less restrictive means could be unemployed. Accordingly, the FP Act’s prior classification system was an unjustifiable limit to the right to freedom of expression.

4. *The State v Gerhardus Ackerman (SS090/2021) [2023] ZAGPJHC 363(24 April 2023)*

The South Gauteng High Court found Gerhard Ackerman guilty of more than 700 charges which *inter alia* include sexual exploitation of children, creation, and possession of child pornography in contravention of the Films and Publications Act 65 of 1996 and sentenced him to 12 life sentences.

5.6 INSTITUTIONAL POLICIES AND STRATEGIES OVER THE FIVE-YEAR PLANNING PERIOD

- Risk Management and Internal Audit policies.
- Corporate Governance Framework.
- Human Capital Management policies.
- Financial Management and SCM policies.
- Communications Policies.
- Research, Knowledge Management, and document management policies.
- ICT policies.
- Legal and compliance policies.
- Classification Strategy, guidelines framework; and
- Child Protection Policy

6. ORGANISATIONAL IDENTITY⁵

6.1 Vision

A credible and leading African content regulator, trusted by the industry and the public.

6.2 Mission

To regulate media content and protect the public from harmful and prohibited content.

6.3 Brand Promise

Educate, Protect and Empower.

6.4 Impact Statement

An effective regulator of content that empowers and protects the public.

6.4 Values

Values	Description
Accountability	Promoting responsibility, transparency, and credibility.
Integrity	Executing our mission with consistency, honesty, and fairness.
Transparency	Openness of regulatory processes and decision-making to promote trust and confidence.

⁵ The inclusion of the organizational identity in the APP is based on the amendments to the values of the FPB

Innovation	Provide market leading research and innovation to effectively shape the rating and regulation of media content.
Consultation	We subscribe to the principle of people first, value and respect the diversity of views, and multi-culturalism in our country.
Agility	A regulator that is dynamic and flexible in executing its mandate.

PART B:

7. OUR STRATEGIC FOCUS

7.1 SITUATIONAL ANALYSIS

The operationalization of the Films and Publications Amendment Act by a Presidential Proclamation on 1 March 2022 which transformed the FPB from a narrow classification mandate to an online content regulator, was a major turning point in dealing with Online Safety in South Africa. Currently implemented by the FPB since 2022/23 FY, the Act as reflected by the FPB's 2022/23 Annual Report has a huge impact at various levels:

- (a) At the Citizen level**, it has, constituent to the objectives of the National Development Plan (NDP), created safer online communities, by closing a long-existing gap in regulating the online environment which for a long period left the vulnerable groups, particularly women and children exposed to online harms. In addition to introducing the enforcement committee chaired by a Retired Judge, the Act has empowered the FPB to directly refer matters to the National Prosecuting Authority (NPA) in fortifying public protection against online harm directed at the children. This has strengthened the FPB's collaboration with Law Enforcement Agencies (LEAs) including the South African Police Services (SAPS). Since April 2022, the FPB has handled 15 cases referred by SAPS on child pornography with thousands of materials for analysis by the Children Protection Unit (CPU). This has contributed to the successful prosecution and conviction in 2 cases with one perpetrator receiving 10 years of direct imprisonment and another, Gerhard Ackerman, sentenced to 5 life sentences for the creation, production, distribution, and possession of child pornography. It is important to mention that as per provision in the Film and Publication Act; 3 perpetrators were given 5-year suspended sentences and fines ranging from

R5000,00 and R10 000,00. Through the Act the entity has been empowered to deal with other cases of Online Gender Based Violence and content that causes hate (hate-speech) and incites imminent violence).

(b) Enhancement of SA's position on Online Safety Internationally: The legislation has positioned South Africa as a leader in Online Safety globally alongside Australia, Fiji, Singapore, Ireland, and Korea. The UK only finalized its law in September 2023, while many first-world countries are still without such legislation, including the US.

Strengthening democracy: Online Monitoring of the Elections: The World Economic Forum (WEF) has identified Misinformation and disinformation as the most severe global risk anticipated to emerge over the next two years, to further widen societal and political divides. With over three billion people expected to head to the electoral polls across several economies, including South Africa, this is an immediate and existential risk that should not be taken lightly. The 2024 National Elections (NPE) in South Africa will be fought online. As shown in the US, Kenya, and other parts of the world, the biggest threat to any election as a democratic process in a digital world is misinformation/disinformation which has the potential to undermine the legitimacy of the elections and cause war and hate. As the Online Content regulator, the FPB will be supporting the Independent Electoral Commission (IEC) in the monitoring of the 2024 elections against the spread of misinformation/disinformation online. As agreed with the IEC, the FPB will be stationed at the Result Centre for this purpose. At the end of the 2024 NPE, the entity will produce its online monitoring report which will be available to the public and Parliament.

7.2 EXTERNAL ENVIRONMENT ANALYSIS

7.2.1 Economy

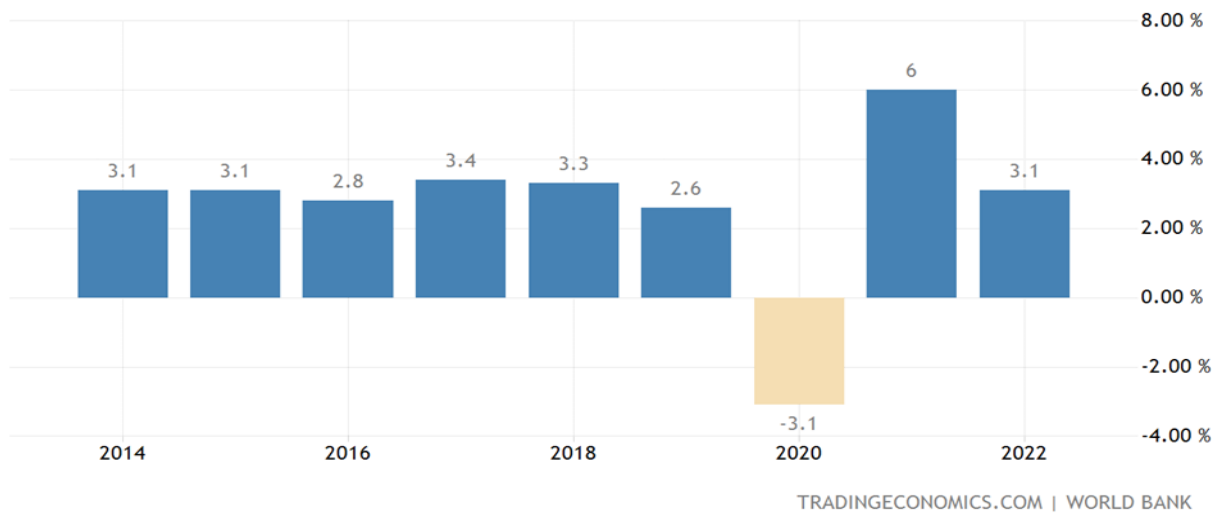
a) Global economic context

The global economic outlook has deteriorated recently due to monetary policy tightening aimed at containing high inflation across a range of advanced economies and emerging markets, energy and food market disruptions caused by the Russia-Ukraine conflict, and emerging geo-political threats.

IMF projects a global growth rate of 3% for 2023 but cuts the forecast for 2024 to 2.9%. Also, the expectations for global inflation were revised to 6.9% in 2023 from 6.8% and to 5.8% from 5.2% in 2024.

The IMF noted some of the key risk factors for global growth, such as the real estate crisis which could deepen further in China, commodity prices which could become more volatile, inflation remaining high, and fiscal cushions eroding in many countries.

World GDP Growth Rate (%)



Source: WORLD BANK / TRADINGECONOMICS.COM

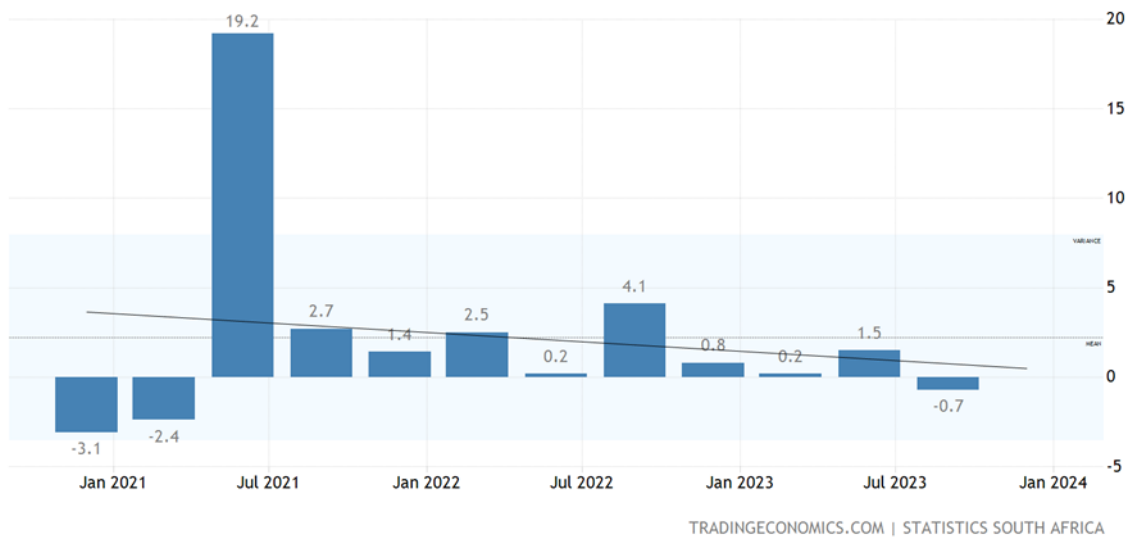
b) Domestic economic context

The South African economy has shown some moderate growth in the first two quarters of the 2023-2024 Financial Year (FY). The SA real gross domestic product (GDP) grew by 1.5% in the second quarter (April–June) of 2023, following a 0.4% rise in the first quarter (StatsSA, 2023). Key drivers to this growth were six sectors: Agriculture (4.2%), Manufacturing (2.2%), Mining (1.3%), Personal services (0.7%), Finance (0.7%) and General government services (0.6%). The Communications sector, measured jointly with the Storage and Transport sectors had a deceleration of -1.9%.

It marks the first economic contraction since the first quarter of 2021, primarily due to persistent power shortages and logistical constraints. South Africa’s growth is constrained mainly by structural economic factors such as unreliable electricity supply, infrastructure investment deficit and inefficiencies in network industries, high inflation, and interest rates

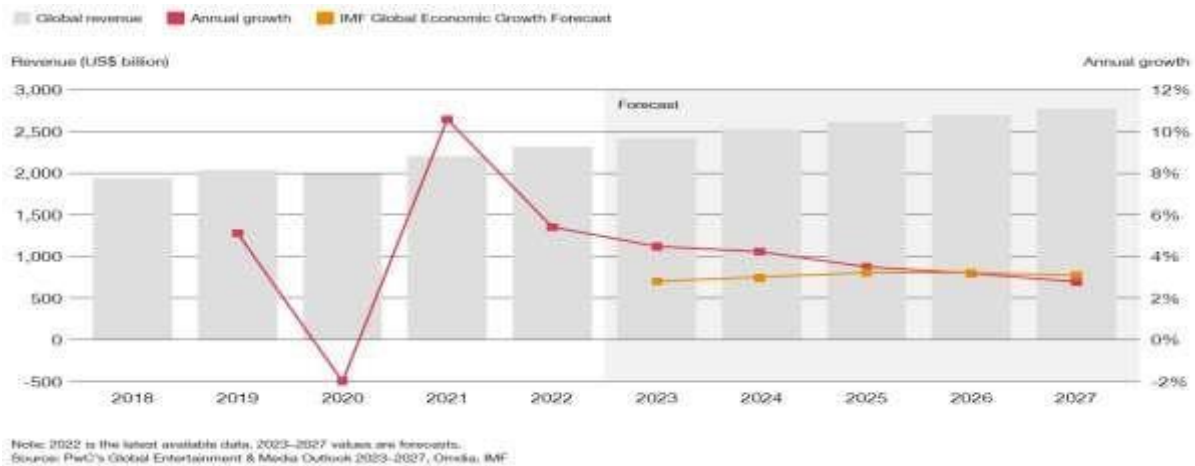
contributing to the high cost of doing business and hence stifling the economy’s capacity to grow and create jobs.

South African GDP Growth Rate (%)



Source: StatsSA / TRADINGECONOMICS.COM

c) Media Entertainment Global Industry Growth



According to the 2023 PWC Global Entertainment & Media Outlook study the global Media and Entertainment industry recorded a total revenue of US\$2.32 trillion and a total revenue growth rate of 5.4% in 2022. The industry is projected to realize five years of continued growth from 2020 to 2027 in which the industry will be nearing the US\$2.8 trillion revenue mark with advertising alone, accounting for one-third (US\$952 billion) of the total industry

revenue. This rate of growth is however expected to decline each consecutive year to 2027. The M&E industry's total revenue growth rate is therefore expected to decline consecutively to 2.8% in 2027, a projection which is 0.3% lower than the International Monetary Fund (IMF)'s global total economic growth projection of 3.1%.

PWC's E&M expansion projection for 2018-2027 attributed the slow growth mainly to the lingering global economic effects of the COVID-19 pandemic which have caused virtually all the major global economic sectors to redefine and reset norms. Coupled with the lingering effects of the COVID-19 pandemic are the following factors:

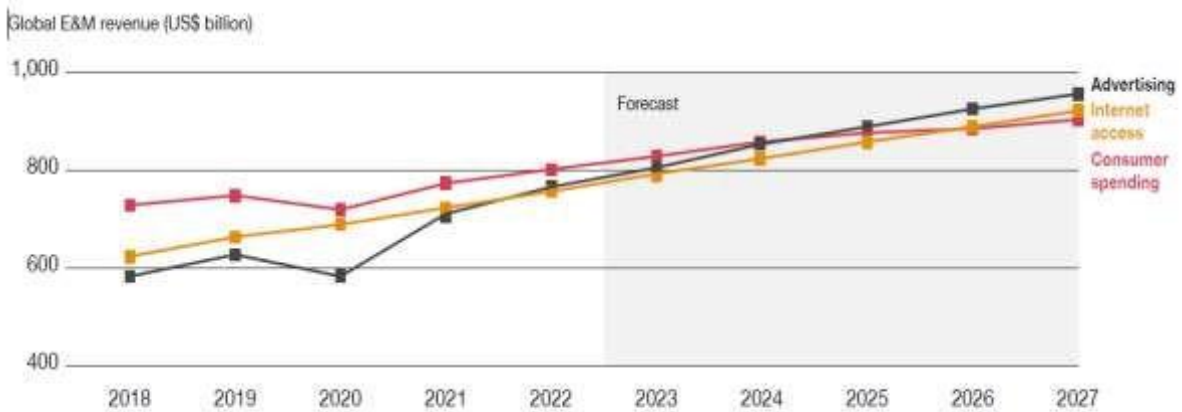
- Slow consumer spending, the expected decline in the rate of growth is expected to push companies to review and rearrange their expectations in stimulating revenue growth and largely refocus inward (micro-strategy),
- In 2022 M&E industry faced a series of challenges such as dropping stock markets, rising interest rates, and slower rates of expansion than in 2021,
- High inflation rates and interest rates are persisting,
- Resetting expectations will be achieved through exploring new geographical and sectoral growth avenues that will expectedly enable companies to harness emerging technologies such as AI as an engine for operational productivity and innovative growth.

d) Global Advertising Revenue and Game sector to drive growth in

Global Advertising Revenue

The PwC study further projects that global advertising revenue will surpass consumer spending and internet access in 2025 to become the largest category (i.e. Compounded Annualised Growth Rate (CAGR)) - approaching a trillion-dollar market. That is, as M&E products become more digital and less analogue, the costs of production and distribution decline. So too, as content already overflows, competition among providers of digital content and services is increasing. This means that while consumers will be spending more time in digital entertainment and media environments, it will however not cost them more – resulting in consumer spending per capita on E&M decreasing as a share of overall spending falling from 0.53% of average personal income in 2023 to 0.45% in 2027.

The PwC market outlook predicts Digital to take nearly two-thirds of ad spend account for 71.8% of South Africa’s ad spend in 2027. This broadly aligns with the global picture, where digital has led since 2019 and will. South Africa benefits from higher Internet connectivity rates and a higher per-capita GDP than many other African markets, making it a more attractive market for advertisers. The 19.2% CAGR expected to 2027 will also be the fastest rate seen by any market globally, albeit this growth is coming from a low base.



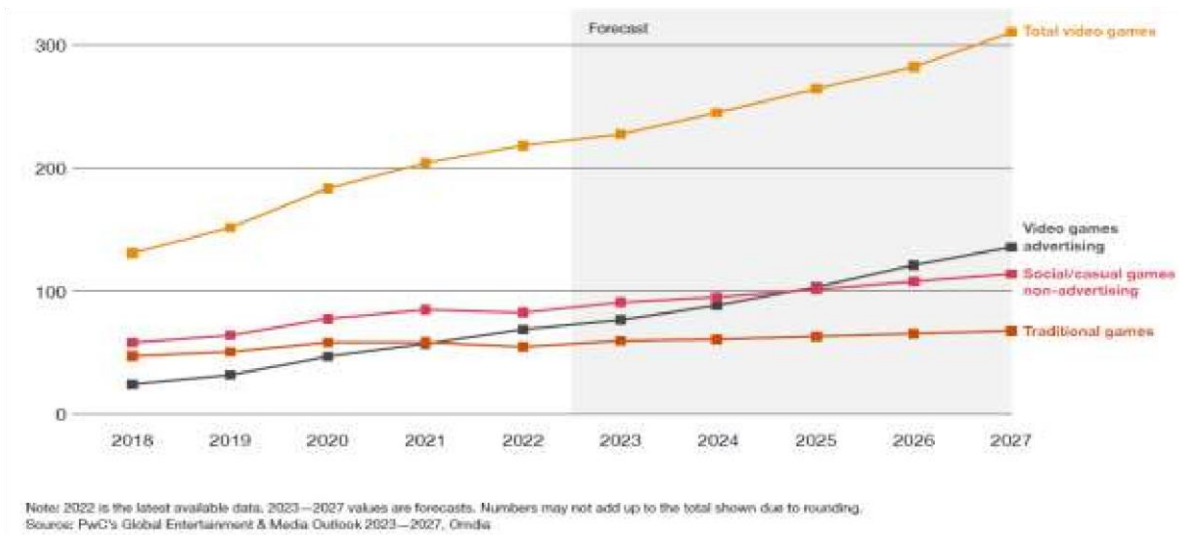
Note: 2022 is the latest available data. 2023–2027 values are forecasts.
 Source: PwC’s Global Entertainment & Media Outlook 2023–2027, Omdia

Game Sector to drive growth

The PwC study also reveals Gaming has captured the attention of global consumers and advertisers. This sector is regarded as one of the powerhouses of the global E&M industry. The ever-expanding sector continues to capture the attention of people in all demographic groups. It has become especially evident with youth games which are said to increasingly becoming a propeller of creativity, consumer spending, and advertising.

Total gaming revenue is expected to rise from US\$227 billion in 2023 to US\$312 billion in 2027, representing a 7.9% CAGR. Given this increasing confidence and hence the rise in the gaming sector, advertising revenue is projected to nearly double between 2022 and 2027 and is expected to reach US\$100 billion in 2025.

Game industry global revenue (US\$ billion) 2018-2027



Noting these market trends the FPB needs to be ready to tackle whatever harms meaning from this growth.

7.2.2 Digital Policy Context and FPB Mandate

This Plan is formulated amid the Draft White Paper on Audio and Audiovisual Media Services and Online Content Safety released by the Department of Communications and Digital Technologies (DCDT) for public consultations. The unsettling point about the Draft white paper is that it proposes a regulator established out of the merger of the FPB, ICASA and ZDNA, thereby creating uncertainty on the FPB’s continued existence.

7.2.3 Social Context

The WEF identification of misinformation and disinformation as immediate, existential and severe global risk to emerge over the next two years to further widen societal and political divides, underline the social impact of online media in the people’s lives. The negative effects of misinformation and disinformation further adds to other growing categories of online harms such as image abuse (technologically facilitated gender based abuses), CSAM/CSEM and hate speech.

Addressing these impacts requires a multi-stakeholder and multifaceted approaches which will include supporting victims, the creation of awareness, and educating society on the negative effects of NCII. Nonetheless, Section 24E of the FP Act, no.65 of 1996 criminalizes

the distribution of private sexual photographs or films without the prior consent of the individual/s depicted or identified or identifiable in the photographs or films.

7.2.4 Technological Context

Consumption patterns of entertainment media have shifted radically over the past five years. This is exemplified by the popularity of user-generated content, which provides a platform for diverse content, unleashing revenue generation potential for content creators and democratizing the media content industry. Over-the-top (OTT) offerings are taking the lion's share of the market. OTT media consumption patterns in South Africa have grown rapidly over the past five years, as more and more consumers have gained access to affordable and reliable internet. According to PwC's Africa Entertainment & Media Outlook 2022-2026, OTT video revenue in South Africa is expected to grow from R12.8 billion in 2022 to R24.4 billion in 2026. Some of the most popular OTT video services in South Africa include Netflix; Amazon Prime Video; Showmax; Disney+; YouTube TV; and DStv Now.

Overall, OTT media consumption patterns are expected to continue to grow in South Africa in the coming years. As more and more consumers switch to OTT video services, traditional TV networks will need to adapt to the changing landscape.

From a child protection perspective, there are emerging common technologies that impact on our work in this area. In December 2023, Meta announced it intends to roll out end-to-end encryption on its platforms, beginning with Facebook Messenger. Notwithstanding privacy behind End-to-end encryption as a constitutional right, End-to-end encryption will be detrimental to child protection efforts across the world because it will give online predators a safe haven for them to hide. This is important in consideration of more than 20 million incidents of people sharing child sexual abuse imagery on Meta's platforms particularly Facebook Messenger in 2022 as reported by the National Centre for Missing and Exploited Children (NCMEC).

Other technologies on children include:

- Generative Artificial Intelligence (GenAI),
- Metaverse,
- Age verification and assurance,

FPB is member of several international bodies, in particular, INHOPE (a 54 member association on Internet Hotlines) and the Global Online Safety Regulators Network (GOSRN) where these technical issues are currently being discussed with the purpose to share information on their impact and develop collective and harmonised solution to minimise their impacts.

7.3 INTERNAL ENVIRONMENT

CLEAN AUDIT

During the strategy review, FPB assessed its organizational performance against both the strategic plan targets as well as the work programme targets. Over the past two years, the organization achieved a clean audit.

HUMAN CAPITAL

The FPB will implement the outcome of the Business Re-engineering Process to improve efficiency. The Organisational design report will also be implemented in line with the available compensation budget.

Leadership development programme will also continue to be a focus area to improve staff engagement, commitment and organizational culture. Talent Management interventions will be implemented and monitored to attract, reskill, and retain critical and core skills.

DIGITAL TRANSFORMATION STRATEGY

The FPB has prioritized the digitization of business processes and systems as part of implementing the Integrated Digital Transformation Strategy. The focus area will be on the deployment of AI and other digital technologies. To this effect, an AI Strategy with an implementation plan will be formulated to enable effective content regulation with regards to the monitoring of prohibited content on online platforms as well as efficient content classification.

MODERNIZING CLASSIFICATION

The move of classification to be online will be the priority for the financial year to improve the turnaround in the issuance of classification decisions, on the set target of issuing classification within 7 working days. The retention and reskilling of classifiers to improve organizational processes and build internal quality assurance capacity will be part of the strategy.

The comprehensive review of the classification framework as a business will cover everything from the technology employed to the operational processes and the qualifications of the staff.

ENFORCEMENT COMMITTEE

To ensure that the Enforcement Committee is fully functional and ready to investigate and adjudicate matters of non-compliance and where appropriate, impose a fine. We have published the Enforcement Committee Rules to guide the operations of the Committee. The Enforcement Registrar was appointed to coordinate case flow management to support the process of the Committee. Our focus is to ensure that all investigated matters of noncompliance with the provisions of the Act are brought before the Committee for an appropriate sanction.

SWOT ANALYSIS

Themes	Strength	Weakness	Opportunities	Threats
Child protection	To improve measures that protect children from harmful online content. Through parent/guardian child protection awareness when using mobile devices to access the internet to prevent children from viewing harmful content.	Lack of parent/guardian child protection awareness.	Engage/work together with stakeholders such as Meta/Facebook, TikTok and other popular apps to introduce kid-user-friendly apps like Google's YouTube Kids.	Mobile handsets are the most popular growing device for internet access.
Classification	Strengthen the FPB Classification Unit, and rigorous online monitoring needs to be initiated to identify commercial online distributors who must register with the FPB to meet the mandatory requirements for distributing content online for commercial purposes.	Classification/Monitoring capacity constraints	Enhancement of the FPB revenue.	According to the PWC E&M outlook 2023-27 report, domestic productions will increase due to more funding from streaming services, meaning more content will need to be classified.

Tariff review	Review/adjust the current tariff regulation as the total E&M revenue grows.	Classification/Monitoring capacity constraints	According to the PWC E&M Outlook 2023-27 report, the total E&M revenue will increase from R176.7b in 2022 to R231.2b in 2027 at a 5.5% CAGR.	Internal research indicates that most online distributors do not comply with registering and submitting content for classification.
Research gaps	Deep research on the rise of generative AI to develop measures that can be put in place to prevent technology's misuse (misinformation and disinformation).	Research Unit capacity constraints.	Collaborate with external stakeholders, such as the South African Artificial Intelligence Association (SAAIA), to develop regulations that govern/regulate the use of AI on online platforms.	External stakeholders cooperation.
	Determine whether to develop a regulatory guideline or tariff fee structure for schools allowing access to various content.	Check whether the FPB has/its legislation allows/empowers the FPB to regulate government institutions. E.g. Government schools.	Consult with the Department of Basic Education to determine a regulator guideline for content distributed at schools for learning purposes.	Non-cooperation from school. However, this can be done through advocacy outreach.

PART C:

8. MEASURING PERFORMANCE

8.1 INSTITUTIONAL PROGRAMME PERFORMANCE INFORMATION

This section aims to monitor the extent to which the strategic objectives, outcomes, and impact identified in this annual performance plan are achieved. When measuring the Impact and Outcomes that this annual performance plan aims to achieve, it is important to note that FPB by itself cannot achieve the goals. Instead, it can contribute to achieving the identified outcomes together with other relevant stakeholders. Furthermore, measuring the Outcomes identified will assist FPB in assessing whether the implementation of its revised 2020-2025 Strategic Plan and 2023/2024 Annual Performance Plan has the desired effect on the South African public and whether there is a need for further revision of the Strategic Plan to ensure the attainment of the identified goals.

The central feature of the sixth democratic administration is implementation, this means that concerted effort must be redirected from planning towards actual achievement that contributes to the vision of the National Development Plan (NDP). It articulated seven priorities aligned to the NDP and Medium-Term Strategic Framework (MTSF) namely:

Priority 1: Building a capable and ethical developmental state

Priority 2: Economic transformation and job creation

Priority 3: Education, skills, and health

Priority 4: Consolidating the social wage through reliable and quality basic services

Priority 5: Spatial integration, human settlements, and local government

Priority 6: Social Cohesion and Safe Communities

Priority 7: A better Africa and World

FPB OUTCOMES	FPB OUTPUTS	DCDT OUTCOMES
Enhanced public protection against harmful and prohibited content	<ul style="list-style-type: none"> Mandated content regulated Compliance with regulations enforced 	3: Enabling digital transformation policies and strategies
The public making informed content consumption choices	<ul style="list-style-type: none"> Public Informed 	1: Transformed digital society 3: Enabling digital transformation policies and strategies
Organizational sustainability	<ul style="list-style-type: none"> Internal organizational excellence achieved 	4: High-performing portfolio to enable achievement of respective mandates

8.2 ALIGNMENT WITH THE DEPARTMENT OF COMMUNICATION AND DIGITAL TECHNOLOGIES

1. Transformed digital society
2. Increased access to secure digital infrastructure
3. Enabling digital transformation policies and strategies
4. High-performing portfolio to enable achievement of respective mandates

8.3 NON-CORE BUSINESS PROGRAMMES

Purpose: Efficiently manage the organizational resources and provide support to the organization.

Programmes 1

- Council
- Internal Audit
- Risk Management and Compliance
- Stakeholder Partnership and Support

Programme 2

- Human Capital Management
- Communication and marketing
- Corporate Legal
- Strategic planning and M&E
- Facilities Management

Programme 3

- Financial Management
- Supply Chain Management
- Revenue Enhancement

NON-CORE PROGRAMMES OUTCOMES, OUTPUTS, PERFORMANCE INDICATORS AND TARGETS

Outcome	Outputs	Output Indicators	Annual Targets						
			Audited /Actual Performance				Estimated performance MTEF Period		
			2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
Organizational sustainability	Human Capital management excellence achieved	Percentage (%) of approved Human Capital Business Improvement strategy (HCBIS) implemented	New indicator	New indicator	New indicator	60%	80%	95%	100%
		Percentage (%) of prioritised and funded positions on the approved organisational structure aligned to expanded mandate filled	New indicator	New indicator	New indicator	New indicator	90%	90%	90%
	Financial Sustainability	Percentage (%) implementation of the approved Revenue Enhancement Strategy Implementation Plan	New indicator	New indicator	New indicator	60%	70%	80%	90%
	Digital transformation	Percentage (%) of projects in the digital roadmap planned for year implemented	New indicator	New indicator	New indicator	90%	95%	100%	100%
		Approved Artificial Intelligence Strategy and implementation plan	New indicator	New indicator	New indicator	New indicator	20%	50%	80%

INDICATORS, ANNUAL AND QUARTERLY TARGETS

No	Output Indicators	Annual Target	Q1	Q2	Q3	Q4
1	Percentage of approved Human Capital Business Improvement strategy (HCBIS) implemented	80%	20%	40%	60%	80%
2	Percentage (%) of prioritised and funded positions on the approved organisational structure aligned to expanded mandate filled	90%	90%	90%	90%	90%
3	Percentage (%) implementation of the approved Revenue Enhancement Strategy Implementation plan	70%	40%	50%	60%	70%
4	Percentage of projects in the digital roadmap planned for year implemented	95%	Approval of the annual digital roadmap priorities by EXCO	60%	80%	95%
5	Approved Artificial Intelligence Strategy and implementation plan	10%	Draft Strategy	Consultation	Approval by council	10%

PLANNED PERFORMANCE OVER THE MEDIUM-TERM PERIOD

The administration program will focus on the Outcome of a “High performing and sustainable portfolio to enable achievement of their respective mandates and policy objectives”.

The outputs of Programme 1 are aligned with Priority 6 of the NDP: A capable, ethical, and developmental state, and Outcome 2: Functional, efficient, and integrated government. The initiatives are aimed at accelerating the implementation of Organisational projects to improve service delivery.

The priorities to deliver on the outcomes are as follows :

- Percentage of approved Human Capital Business Improvement strategy (HCBIS) implemented
- Percentage (%) of prioritised and funded positions on the approved organisational structure aligned to expanded mandate filled
- Percentage (%) implementation of the approved Revenue Enhancement Strategy Implementation plan
- Percentage of projects in the digital roadmap planned for year implemented
- Approved Artificial Intelligence Strategy and implementation plan

NON-CORE BUSINESS RESOURCE CONSIDERATION

Programme 1 Economic classification	Audited outcomes	Adjusted Appropriation	Medium Term Expenditure		
	2022/23	2023/24	2024/25	2025/26	2026/27
Compensation of employees	9 412 355	9 882 972	15 926 703	16 947 049	18 218 078
Goods and services	4 475 786	5 126 115	7 833 703	7 561 026	8 542 972
Total	13 888 141	15 009 087	23 760 406	24 508 075	26 761 050

Programme 2 Economic classification	Audited outcomes	Adjusted Appropriation	Medium Term Expenditure		
	2022/23	2023/24	2024/25	2025/26	2026/27
Compensation of employees	10 543 259	11 070 422	14 489 530	15 431 349	16 588 701
Goods and services	21 943 959	25 456 495	22 679 888	28 220 315	31 336 050
Total	32 487 218	36 526 917	37 169 418	43 651 665	47 924 751

Programme 3 Economic classification	Audited outcomes	Adjusted Appropriation	Medium Term Expenditure		
	2022/23	2023/24	2024/25	2025/26	2026/27
Compensation of employees	8 324 135	8 740 342	10 524 215	11 199 919	12 039 913
Goods and services	5 021 139	7 310 211	3 905 669	3 891 876	4 412 831
Total	13 345 274	16 050 553	14 429 884	15 091 795	16 452 744

8.4 CORE BUSINESS PROGRAMMES

CORE PROGRAMMES PURPOSE:

The purpose of the core programmes is to regulate mandated content, enforce compliance with Regulations, advise, and keep the public informed.

CORE BUSINESS PROGRAMMES OUTCOMES, OUTPUTS, PERFORMANCE INDICATORS AND TARGETS

Outcome	Outputs	Output Indicators	Annual Targets						
			Audited /Actual Performance				Estimated performance MTEF Period		
			2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
Enhanced public protection against harmful and prohibited content	Mandated content regulated	Number of prioritised research projects concluded to support the mandate	New indicator	New indicator	New indicator	3	3	3	3
		Percentage (%) of public complaints resolved within 60 working days	New indicator	New indicator	New indicator	70%	75%	80%	85%
		Percentage (%) of commercial online distributor applications for self-classification processed within 90 days	New indicator	New indicator	90%	90%	90%	95%	95%

		Percentage (%) of Quality Assurance conducted on new self-classified content from commercial online distributors	New indicator	New indicator	New indicator	New indicator	5%	7%	10%
		Percentage (%) of classification decisions issued within 7 working days	New indicator	New indicator	66%	80%	80%	80%	80%
		Percentage (%) of licensing and registration processed within 5 working days	Rephrased	Rephrased	95%	95%	95%	95%	95%
		Percentage of Child Sexual Abuse and Exploitation material analysed	New indicator	New indicator	New indicator	New indicator	90%	90%	90%

Outcome	Outputs	Output Indicators	Annual Targets						
			Audited /Actual Performance				Estimated performance MTEF Period		
			2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
Enhanced public protection against harmful and prohibited content continues ...	Compliance with regulations enforced	Percentage implementation of the compliance and enforcement plan	New indicator	New indicator	New indicator	60%	70%	80%	90%
The public making informed content consumption choices	Informed public	Percentage implementation of the integrated stakeholder engagement and communications plan	New indicator	100%	Rephrased	100%	100%	100%	100%
		Percentage implementation of the Strategic Victims' Support Programme	New indicator	New indicator	New indicator	New indicator	50%	75%	100%

CORE BUSINESS PROGRAMMES' ANNUAL AND QUARTERLY TARGETS

No	Output Indicators	Annual Target	Q1	Q2	Q3	Q4
6	Number of prioritized research projects concluded to support the mandate of the FPB	3	Approval of research agenda by EXCO	1	1	1
7	Percentage of public complaints resolved within 60 working days	75%	75%	75%	75%	75%
8	Percentage of commercial online distributor applications for self-classification processed within 90 days	90%	90%	90%	90%	90%
9	Percentage of Quality Assurance conducted on new self-classified content from commercial online distributors	7%	7%	7%	7%	7%
10	Percentage (%) of classification decisions issued within 7 working days	80%	80%	80%	80%	80%
11	Percentage (%) of licensing and registration processed within 5 working days	95%	95%	95%	95%	95%
12	Percentage of Child Sexual Abuse and Exploitation material analysed	90%	90%	90%	90%	90%
13	Percentage implementation of the compliance and enforcement plan	70%	40%	50%	60%	70%
14	Percentage implementation of the integrated stakeholder engagement and communications plan	100%	30%	50%	70%	100%

15	Percentage implementation of the Strategic Victims' Support Programme	50%	Stakeholders' consultations	Strategic Victims' Support Plan developed and approved by EXCO	25% implementation of the Strategic Victims' Support Plan	50% implementation of the Strategic Victims' Support Plan
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CORE BUSINESS PROGRAMME RESOURCE CONSIDERATION

Programme 4 Economic classification	Audited outcomes	Adjusted Appropriation	Medium Term Expenditure		
	2022/23	2023/24	2024/25	2025/26	2026/27
Compensation of employees	28 508 825	29 934 267	17 129 161	18 242 556	19 610 748
Goods and services	24 618 812	21 676 906	10 587 607	10 244 076	11 638 601
Total	53 127 637	51 611 173	27 716 768	28 486 633	31 249 349

Programme 5 Economic classification	Audited outcomes	Adjusted Appropriation	Medium Term Expenditure		
	2022/23	2023/24	2024/25	2025/26	2026/27
Compensation of employees	7 756 655	8 144 487	17 457 852	18 592 612	19 987 058
Goods and services	4 420 290	5 380 866	3 406 741	4 356 039	4 607 466
Total	12 176 945	13 525 353	20 864 593	22 948 652	24 594 524

8.5 UPDATED KEY RISKS

OUTCOME	KEY RISK	RISK MITIGATION
Enhanced public protection against harmful and prohibited content	Sluggish classification Process.	<ul style="list-style-type: none"> • Procurement of the online platform monitoring system. • Deployment of the Online Content Regulation (OCR) system.
	Classification at huge cost.	<ul style="list-style-type: none"> • Implementation of Compliance and Enforcement Plan. • Consultation of external stakeholders on approved regulatory instruments and the extended mandate of the FPB.
	Non-compliance with the Films and Publications Act (FP Act) and Regulations.	<ul style="list-style-type: none"> • Development and Implementation of Compliance and Enforcement Plan. • Strengthen compliance monitoring. • Enforcement of non-compliance by escalating matters to the enforcement committee. • Conduct integrated online safety and compliance initiatives with the relevant stakeholders (Industry Code of Conduct).
	Delays in resolving complaints within turnaround time.	<ul style="list-style-type: none"> • Outsourcing the management of the Public Complaints Portal to integrate all Complaints • Review of the SOP to integrate relevant units.
	Failure to issue new/renewal licenses within the set frames.	<ul style="list-style-type: none"> • Implementation of the licensing turnaround Plan on Licensing and Compliance.

	Inadequate Quality Assure on sampling new titles.	<ul style="list-style-type: none"> • Review the conditions in all agreements/self-classification permits for distributors to report on the new titles added on the platform on quarterly basis. • Fasttrack the review of the Sampling SOP.
	Inadequate reporting of CSAM and/or CSEM– (Child Sexual Abuse/Exploitation Material)	<ul style="list-style-type: none"> • Outsourcing the management of the Hotline(Technology for reporting and analysis)
	Lack of evidence-based research to inform Policy (e.g. Market Trends, Economical Impact, Online Monitoring, etc) and decision making.	<ul style="list-style-type: none"> • Develop, approve of the Research Agenda and Implementation thereof. • Improve on consultations (quarterly Matshohlo sessions, meeting expectations of Bus Units- aligning with their research needs) • Sharing research findings of finalised reports with stakeholders.
The public making informed content consumption choices	Ineffective to position the FPB brand to be recognised by identified target markets (FPB brand and mandate not known by the public, entities, and Govt Departments).	<ul style="list-style-type: none"> • Use relevant media platforms to create awareness and marketing of FPB brand and mandate • Review the Brand Positioning Plan and implement • Partnership with the relevant Stakeholders to implement impactful Public Education /awareness on the role of FPB and strategic collaborations • Stakeholder analysis, mapping and engagement

OUTCOME	KEY RISK	RISK MITIGATION
Organizational sustainability	Inadequate skills and resources to implement the FPB's expanded mandate and organizational transformation.	<ul style="list-style-type: none"> • Implementation of Talent Management intervention to attract, develop, and retain FPB critical and core skills.
	Organizational Culture Risk	<ul style="list-style-type: none"> • Implementation of leadership intervention to revitalise FPB values to create a conducive work environment. • Facilitate internal stakeholders' engagements to improve internal communication. • Facilitate ethics survey and implement recommendation • Facilitate full vetting of all FPB staff • implement interventions to improve leadership/managers' core managerial competencies
	Financial Unsustainability	<ul style="list-style-type: none"> • Implementation of Revenue Enhancement Strategy. • Gazeting of Tarif Regulations.
	Failure to digitise business operations.	<ul style="list-style-type: none"> • Implementation of revised ICT Project Management Framework. • Develop and implement AI strategy • Implement prioritized Digital Roadmap projects.

Looming Merger/ rationalization	<ul style="list-style-type: none">Engagements with the Policy Maker (DCDT) and comprehensive response to the Draft White Paper (to influence the Policy position).
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PART D

TECHNICAL INDICATOR DESCRIPTION PER INDICATORS

NON-CORE BUSINESS PROGRAMMES

Indicator Title	% Approved Human Capital Business Improvement strategy (HCBIS) Implemented
Definition	The development of a Human Capital Business Improvement Strategy which, once approved by the Council, shall support the FPB's migration from a classification authority to an online regulator; through <i>inter alia</i> the redesign of an institutional structure and how to capacitate staff to fulfil the roles and functions aligned to same.
Source of Data	Council approved HCBIS CEO approved annual implementation plan
Method of Calculation/ Assessment	CEO approved of the implementation plan $\text{Number of implemented} / \text{Number of Prioritised interventions} \times 100 = \%$
Assumptions	Assuming approval of the HCBIS by Council. Assuming budget availability to support changes in structures and fund posts. Assuming budget availability for upskilling staff complement in alignment with the HCBIS.
Disaggregation of beneficiaries	To all FPB employees, future candidates for placement.
Spatial Transformation (where applicable)	N/A
Reporting Cycle	Quarterly, annually
Desired Performance	Transformed FPB
Indicator Responsibility	Executive: Corporate Services Manager: Human Capital

Indicator Title	% of prioritised and funded positions on the approved organisational structure aligned to expanded mandate filled
Definition	<ul style="list-style-type: none"> The indicator is intended to determine the percentage of funded positions filled annually
Source of Data	<ul style="list-style-type: none"> SAGE system
Method of Calculation/ Assessment	<ul style="list-style-type: none"> Total number of filled positions on Sage ÷ total number of prioritised and funded positions approved by EXCO x 100 = %.
Assumptions	<ul style="list-style-type: none"> The organisation will maintain a 10% vacancy rate
Disaggregation of beneficiaries	<ul style="list-style-type: none"> Target for women: n/a Target for youth: n/a Target for people with disabilities n/a
Spatial Transformation (where applicable)	<ul style="list-style-type: none"> n/a
Calculation Type	<ul style="list-style-type: none"> Cumulative
Reporting Cycle	<ul style="list-style-type: none"> Annual in Q4
Desired Performance	<ul style="list-style-type: none"> Higher performance desirable: 90% of all approved funded positions filled
Indicator responsibility	<ul style="list-style-type: none"> Corporate Services Executive Human Capital Manager

Indicator Title	% implementation of the approved Revenue Enhancement Strategy Implementation plan
Definition	Implementation of the Approved Revenue Enhancement Strategy to give effect to increase in Self-Generated Revenue over Total Revenue
Source of Data	<ol style="list-style-type: none"> 1. Revenue Enhancement Implementation Plan approved by Council 2. Quarterly progress report on the Implementation Plan
Method of Calculation/ Assessment	Percentage Completion / Total activities of activities in the Plan x 100 = %
Assumptions	The Revenue Enhancement Office is fully capacitated to implement the Plan
Disaggregation of beneficiaries	N/A
Spatial Transformation (where applicable)	N/A
Reporting Cycle	Quarterly and Annually
Desired Performance	Higher performance than the targeted
Indicator Responsibility	<p>Chief Financial Officer</p> <p>Manager: Revenue Enhancement and Collections</p>

Indicator Title	% of projects in the digital roadmap planned for the year implemented.
Definition	<ul style="list-style-type: none"> • The Digital Roadmap contains the strategy and proposed objectives and targets per year. • Annual project plans are created from the proposed objectives mentioned in the roadmap
Source of Data	Quarterly reports will indicate progress on the projects implemented for the year
Method of Calculation/ Assessment	EXCO approved the implementation plan. Number of projects implemented / Number of prioritised projects as a percentage
Assumptions	Relevant resources (people and budget) approved.
Desegregation of beneficiaries	N/A
Spatial Transformation (where applicable)	N/A
Reporting Cycle	Cumulative (year-end)
Desired Performance	Annually 95% of prioritised projects for the year achieved
Indicator Responsibility	Executive: Technology and Platform Monitoring Manager: ICT Operations

Indicator Title	Approved Artificial Intelligence Strategy and implementation plan
Definition	<ul style="list-style-type: none"> Artificial Intelligence strategy with an implementation plan approved by Council. The strategy implementation plan with activities.
Source of Data	Reports will indicate progress on the strategy formulation and activities implemented for the year
Method of Calculation/ Assessment	Council approved strategy and implementation plan. Number of activities in the strategy implementation plan implemented / Number of activities in the strategy implementation plan as a percentage
Assumptions	Relevant resources (people and budget) approved.
Desegregation of beneficiaries	N/A
Spatial Transformation (where applicable)	N/A
Reporting Cycle	Cumulative (year-end)
Desired Performance	Annually 10% of the Artificial Intelligence Strategy implemented
Indicator Responsibility	Executive: Technology and Platform Monitoring Manager: ICT Operations

CORE-BUSINESS PROGRAMMES

Indicator Title	Number of prioritised research projects concluded to support the mandate
Definition	Evidence-based research to support the mandate of the FPB
Source of Data	Research agenda, concept documents, research reports and research project register
Method of Calculation/ Assessment	Research completed in line with approved Standard Operating Procedure Quarter 1 – Approval of the Research Agenda by EXCO Quarter 2 – Research conducted on the approved research agenda and progress report produced and approved by EXCO Quarter 3– Research conducted on the approved research agenda and progress report produced and approved by EXCO Quarter 4 – 3 research reports produced and approved by EXCO
Assumptions	Availability of research participants
Disaggregation of beneficiaries	Women, youth, children, and people with disabilities
Spatial Transformation (where applicable)	N/A
Reporting Cycle	Quarterly
Desired Performance	Evidence-based research to support the mandate of the FPB
Indicator Responsibility	Executive: Regulatory Development and Enforcement Snr Manager Research

Indicator Title	Percentage (%) of public complaints resolved within 60 working days
Definition	Track and resolve at least 75% of complaints within the set turn-around times
Source of Data	Monthly reports containing the turn-around times with several complaints received through systems, desk, Complaints management portal, and directly from the public : escalated, investigated , resolved, unresolved, and presented at Enforcement Committee
Method of Calculation/ Assessment	Quantitative: Simple count - Number of complaints resolved divided by total complaints received as a percentage.
Assumptions	ICT, financial, and human capacity resources are in place to implement the strategy
Disaggregation of beneficiaries	Women, youth, children, and people with disabilities
Spatial Transformation (where applicable)	N/A
Reporting Cycle	Monthly, Quarterly, Annually
Desired Performance	10% improvement in Service delivery over annual target
Indicator Responsibility	Manager: Public Complaints Executive: Technology and Platform Monitoring

Indicator Title	90 Percentage (%) of commercial online distributor applications for self-classification processed within 90 days.
Definition	90 Percentage (%) of commercial online distributor applications for self-classification processed within 90 days. New applications to be processed within 90 days. Renewals to be processed within 90 days prior to expiry.
Source of Data	Number of self-classification applications/number of self-classification permits processed
Method of Calculation/Assessment	Date of completed application received 90 days prior to the expiry date
Assumptions	FPB system challenges
Disaggregation of beneficiaries	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Cumulative
Reporting Cycle	Monthly, Quarterly, Annually
Desired Performance	Higher Performance than Targeted
Indicator Responsibility	Executive: Regulatory Development Enforcement

Indicator Title	Percentage (%) of Quality Assurance conducted on new self-classified content from commercial online distributors
Definition	The percentage of quality assurance conducted on new self-classified content from commercial online distributors.
Source of Data	Detailed quarterly quality assurance reports on self-classified content from commercial online distributors
Method of Calculation/ Assessment	Number of new self-classified content quality assured / Number of new self-classified content
Assumptions	New self-classified content reports from commercial online distributors
Desegregation of beneficiaries	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Cumulative
Reporting Cycle	Quarterly, and annually
Desired Performance	Higher Performance than Targeted
Indicator Responsibility	Executive: Technology Support and Platform Monitoring Manager: Classification and QA

Indicator Title	Percentage of classification decisions issued within 7 working days
Definition	The percentage of licensing and content classification decisions issued within the stipulated time frame. Classification decision is the rating of content in terms of age-appropriate viewership to include consumer advisory on what elements are contained that may be harmful or inappropriate for viewers.
Source of Data	Detailed monthly submission and classification reconciliation reports
Method of Calculation/ Assessment	Proof of payment of applicable fees Confirmation that content is playable. Scheduling for classification is counted a day after the confirmation of content until the decision is issued.
Assumptions	Delays in the approval of classification decision
Desegregation of beneficiaries	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Cumulative
Reporting Cycle	Monthly, quarterly, and annually
Desired Performance	Higher Performance than Targeted
Indicator Responsibility	Executive: Technology Support and Platform Monitoring Manager: Classification and QA

Indicator Title: Percentage (%) of applications for licensing and registration processed within 5 working days.	
Definition	Percentage of licenses processed (new and renewal) for content distribution outlets to approved (online and physical) within the stipulated time frame. applications
Source of Data	Number of applications received /number of licenses processed
Method of Calculation/ Assessment	Date on which the application received for processing. Verification of the application compliant Counting starts a day after the date compliance is confirmed.
Assumptions	FPB system challenges
Disaggregation of beneficiaries	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Cumulative
Reporting Cycle	Monthly, Quarterly, Annually,
Desired Performance	Higher Performance than Targeted
Indicator Responsibility	Executive: Regulatory Development Enforcement

Indicator Title		% of Child Sexual Abuse and Exploitation Material analysed
Definition		<ul style="list-style-type: none"> • Conduct content assessment on all cases referred and reported to the FPB suspected of containing child sexual abuse and exploitation material
Source of Data		<ul style="list-style-type: none"> • South African Police Services • Homeland Security • Public • INHOPE
Method of Calculation/ Assessment		<ul style="list-style-type: none"> • Total number of acknowledgments of receipt letters issued to the relevant referring stakeholder • Total number of contents referred for assessment vs. Total number of contents assessed. • Total number of content analysis reports issued
Assumptions		<ul style="list-style-type: none"> • All cases referred for assessment must be attended to. • At least 90% of cases must be attended to within a financial year.
Disaggregation of beneficiaries		<ul style="list-style-type: none"> • Children • SAPS • NPA • INHOPE
Spatial Transformation (where applicable)		<ul style="list-style-type: none"> • N/A
Calculation Type		<ul style="list-style-type: none"> • Cumulative (year-to-date)
Reporting Cycle		<ul style="list-style-type: none"> • Monthly, Quarterly, Annually
Desired Performance		<ul style="list-style-type: none"> • Less than 10% of content referred carried over to the next financial year • 90% or more material analyzed in a single financial year
Indicator responsibility		<ul style="list-style-type: none"> • Executive: Technology Support and Platform Monitoring • Child Protection Officers

Indicator Title	Percentage (%) implementation of the compliance and enforcement plan
Definition	Implementation of the approved compliance and enforcement activities to give effect to the extended mandate of the FPB.
Source of Data	a) Compliance and enforcement plan; b) Compliance inspection reports c) Reports on enforcement action
Method of Calculation/ Assessment	Compliance and enforcement plan approved by EXCO %plan implemented
Assumptions	Adequate capacity
Disaggregation of beneficiaries	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Cumulative (year-end)
Reporting Cycle	Quarterly, Annually
Desired Performance	60% of the Compliance and enforcement plan implemented
Indicator Responsibility	Executive: Regulatory Development and Enforcement Manager licencing and compliance Manager Investigation and enforcement

Indicator Title	Percentage implementation of the integrated stakeholder and communications plan
Definition	<ul style="list-style-type: none"> Implementation of the approved integrated stakeholder engagement and communication plan
Source of Data	<p>Approved stakeholders engagement plan per Programme Approved integrated stakeholder and communication Engagement Plan by Exco Approved quarterly integrated stakeholder engagement reports</p>
Method of Calculation/ Assessment	<ul style="list-style-type: none"> Quarter 1 – Approval of the integrated plan by EXCO Quarter 2 –Quarter 4– Number of activities in the plan vs number of planned engagement plan
Assumptions	<ul style="list-style-type: none"> Funding approval Skilled team and resources
Disaggregation of beneficiaries	<ul style="list-style-type: none"> Women, youth, children, and people with disabilities
Spatial Transformation (where applicable)	<ul style="list-style-type: none"> n/a
Calculation Type	<ul style="list-style-type: none"> cumulative
Reporting Cycle	<ul style="list-style-type: none"> quarterly and annually
Desired Performance	<ul style="list-style-type: none"> Higher performance desirable: National thematic campaign reports on the roll-out of branding initiatives
Indicator responsibility	<ul style="list-style-type: none"> Corporate Service Executive Marketing and Communication Manager

Indicator Title	Percentage (50%) implementation of Strategic Victims' Support Plan
Definition	Percentage of the implementation of the Strategic Victims' Support Plan which aims to provide a network of support through FPB partners and programmes for people who are negatively affected by harmful and prohibited content
Source of Data	<p>Identified stakeholders/ partners and prioritisation relevant to the implementation of the Programme</p> <p>Approved Stakeholders' consultation and minutes approved by the chairperson.</p> <p>Approved Strategic Victims' Support Programme by EXCO</p> <p>Approved Quarterly Victim support tracking Reports on the implementation of the Strategic Victims Support Programme (Q3 & Q4)</p>
Method of Calculation/ Assessment	<p>Approved Strategic Victims' Support Plan by EXCO</p> <p>Number of implemented programmes in the approved plan /Number of approved programmes in the plan *100=%</p> <p>Victim supporting tracking programmes and progress on beneficiaries</p>
Assumptions	Adequate human and budget resources
Disaggregation of beneficiaries	Women, youth, children, and people with disabilities
Spatial Transformation (where applicable)	N/A
Calculation Type	Cumulative (as the last two quarters speak to % of the performance)
Reporting Cycle	Quarterly and annually
Desired Performance	50% or higher than the targeted performance desirable.
Indicator Responsibility	<p>Snr Manager: Strategic Partnerships and Support</p> <p>Manager Strategic Partnerships and Support</p>