

New proposed guidelines for games, films, and certain publications

By [Carla Collett](#) and [Peter Greal](#)

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The rapid uptick in the use of varied information-sharing channels has resulted in adults and children accessing large quantities of data, often from unreliable, and in some instances dangerous, sources. Lawmakers across the globe have been steadily introducing laws to protect the public against these harms. The EU's proposed Digital Services Act and the UK's proposed Online Safety Bill are both examples of laws intended to regulate online harms.



Recent changes in South Africa include the commencement of the Protection of Personal Information Act, 2013, to protect people's privacy rights.

Parts of the Cybercrimes Act, 2020 have also come into operation, criminalising (among other things) the unlawful and intentional disclosure of harmful data messages such as intimate images of another person without their consent.

The Film and Publication Board has now published draft guidelines for public comment on the classification of films, games and certain publications.

These guidelines would amend the existing classification guidelines. Some of the changes proposed in the draft guidelines have far-reaching implications, which are beyond the scope of those anticipated in the offshore legislation mentioned above.

These are some of the proposals in the draft guidelines:

- Making various changes to the definitions of key terms, including aligning definitions with those in the criminal law (Sexual Offences and Related Matters) Amendment Act, 2007 and the Films and Publications Amendment Act, 2019.
- Distributors of a film, game, publication or online content will explicitly include persons that stream content through the internet, social media or other electronic media. This would seemingly include an individual posting a personal video

on social media for non-commercial purposes.

- Stricter measures are envisioned for classifying content. For example, the proposals aim to enhance the decision-making capability of adults (for themselves and their children) when consuming content, by providing them with the tools to make an informed choice.

ABOUT THE AUTHOR

Carla Collett & Peter Greal, partners at Webber Wentzel

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