

# Filming in Public Places and Child Photography



Who is photographing that child and why? Any adult looking through the viewfinder at a child is viewed as potentially sinister and in need of regulation.

Remember, there are no laws preventing photography of people, children, buildings, objects or anything else in a public place, or in any place open to the public where photography is not expressly prohibited. There is no expectation of privacy in a public place.

There are no separate laws for minors (but it is of course illegal to capture an indecent photograph of a child). However some schools and children's sports venues may choose to restrict photography at some events. Such venues are of course private property (where the site holder can impose any rules they wish) but no such restrictions could normally be imposed or enforced in a public location.

## Can I publish photographs containing people and children?

Of course you can. For images captured in locations where there can be no reasonable expectation of privacy, the photographer does not need the permission of the individual(s) who appear in that photograph in order to publish it online, in a newspaper, textbook or in a magazine.

The Data Protection Act includes a 'special purposes' exemption and such publication would not constitute a breach of the right to privacy. The general term for such usage is 'editorial' and the photographer can pass on or sell their work for that purpose (and may use the images for the purpose of artistic expression).

Good examples include news reporters, event photographers and of course paparazzi. The same rights extend to all photographers, amateur or professional. Contrary to what most people think, there is no separate law governing the taking of or publication of images of minors (providing the image is not used to depict the indecent exploitation of children).

I've received a complaint from someone appearing in one of my pictures, what do I do?

Many parents wrongly assume that you need permission to take or publish images of them or their children (this would only be the case if the image were used in advertising). Politely explain the law – after all, if they were correct then we would have no tourism industry and no news industry!

Chances are that the person making the complaint was also happily snapping away and posting their pictures online. I would recommend that you keep a record of any communication between yourself and the complainant, particularly if there has been any threat made towards you. Some photographers will remove an image rather than waste time attempting to communicate with an angry or confrontational complainant, but this should always be accompanied by a brief explanation of the law and a statement that you have removed the image as a favour to them.

## The bottom line ....

It's understandable that any parent will feel protective towards their family and no parent should be criticised for that, but very often that is manifested in unreasonable or aggressive demands which have no legal or rational merit. In turn no photographer can be expected to respond positively to threats, demands or insults. The reality is that we are all seen every day by members of the public and a plethora of CCTV cameras, as are our children, as we come and go from school/the shops/our homes/our friends' homes and countless places of habit or interest. However anyone persistently or covertly photographing children in a manner which could be viewed as suspicious is understandably likely to attract the attention of parents and the authorities. It is also my personal feeling that if a member of the public asks you to stop photographing them then it is simply a matter of common sense and politeness that you comply.