

Photography in public: Advice

What is happening?

It is becoming commonplace for anybody taking photographs in public places to be challenged by law enforcement officers. In many cases, photographers are asked to delete photographs or surrender their film.

This action is often being justified on the grounds of preventing terrorism.

Furthermore, there is a growing lack of acceptance of photography of people in public, on the grounds of child protection.

Where you stand

- If you are on public property or in a public space, then there is no specific law to stop you photographing what you like.
- In particular, if you are in public property or in public space there are no specific laws preventing you from taking pictures of other people's property, or of other people.
- If you are on private property, then broadly speaking, the rules of the property-owner apply.

If you take photographs of people, it's worth being aware that there are circumstances where they can take legal action against you. It's generally a bad idea to photograph actively unwilling subjects: they could sue you on grounds of harassment, invasion of privacy or causing a private nuisance. In addition, a police officer could arrest you for causing a public nuisance, if you are annoying more than one person. However, there are no specific laws preventing people from photographing other people in public places, so it is generally unlikely that any legal action can be taken against you, unless you are causing a nuisance.

Photography of children is a particularly sensitive issue. It's becoming the norm for cameras to be banned at somewhat innocuous events such as school plays and sports days, for fear of photographs of children being used for inappropriate purposes. It is worth protesting against these bans, which are generally based on entirely irrational fears.

Police stop and searches

If you are taking photographs in public, then it is possible that you may be stopped, and in some cases, searched, by the police. In most circumstances, with the exception of terrorism, the following apply:

- You do not have to surrender your camera, film or any other equipment, or delete any photographs if asked. However, if you have done something illegal and if deleting photographs will defuse the situation, it may be wise to do so.
- If you are stopped by a police officer, they are allowed to search you and look at your photos.
- A police officer may also arrest you.
- PCSOs (Police Community Support Officers) do not have these powers, and neither do private security guards or park staff, unless you are on private property. You do not have to comply with the requests of private security staff if you are on public property.

Unfortunately, the Terrorism Act of 2000 gives the police sweeping powers to do almost anything that they like, even if they do not have reasonable grounds to suspect you of any terrorist activity. This is a law that we at the Manifesto Club are fighting to change.

However, in practice, it would be tricky for the police to make such charges stick, so it is worth standing your ground.

Other advice

- If you are stopped by the police, it is probably wise to co-operate with them to a reasonable extent, though you should resist any attempt to get you to delete photos unless you were doing something wrong.
- If you are searched, then you have the right to ask for a written record of the search. This should include the officer's name and number, and the reasons for the search.

Help

If you are challenged for taking photographs, we would like to hear about it. Email us at freedomhotline@manifestoclub.com