

Your Rights as a Photographer

HOW TO STAY ON THE RIGHT SIDE OF THE LAW

What are your rights as a photographer in public and private spaces?

It's important you know what you can and can't photograph – this is essential knowledge for every photographer.

You have the right to photograph any subject as long as you are in a public place and it is not done for the purposes of terrorism.

You have the right to keep any photographs you take unless confiscated via a warrant.

You do not need permission from your subject to take their photograph.

You own the copyright to any photographs you take, not the subject.

You cannot be removed or restricted from taking photographs from a public place.

Your photographs must not be forcibly viewed by a police officer unless they have good reason to do so.

YOUR RESTRICTIONS

Your restrictions as a photographer

Your photographs may not be indecent.

You may not take photographs in a private establishment or location without permission.

You may not take photographs for the purposes of terrorism.

You may not take photos for commercial purposes in Trafalgar Square or Parliament Square without permission of the Mayor.

You may not be persistent or aggressive to a subject as this may be defined as harassment.

It is advisable to get written permission from your subject or relevant authority before using a photo of a person or a building in commercial projects e.g. brochures or leaflets.

COUNTER-TERRORISM ACTS

These relatively new acts have been used to restrict access for photographers in the following circumstances:

You cannot take a photograph of a police officer or member of the armed force or security services which could be considered as useful to a terrorist. This is a vague

caveat and one which could leave you open to problems. Consider this when taking photographs of any authority figure.

If you are arrested under section 58A of the Terrorism Act 2000 must show they had reasonable suspicion that the photos/ video were for terrorism purposes.

PUBLIC OR PRIVATE?

Although you are perfectly within your rights to take photographs from a public place, it can be difficult to distinguish exactly where private property begins and ends.

Some places that could be private property are:

Pavements outside private buildings.

Shopping centres.

Tourist landmarks like the Millennium Wheel, Trafalgar Square or Parliament Square for example — please note this provision is for commercial purposes only.

Any court of law — it is in fact a criminal offence to take photographs in a court.

CHILDREN

Every photographer should be aware of their legal responsibilities when photographing the public, particularly children.

Children are viewed as vulnerable subjects and many photographers with innocent intentions have found themselves in difficult situations with the law.

Children can be challenging subjects. They do not like to pose and often find it difficult to appear natural when they are being photographed. However, some of your best portrait shots can be achieved in photographing the joy and wonder of childhood.

However, if you are taking photographs in a public place like a school hall, sports event or even just on the street, there are some guidelines you must follow.

Read on to discover the laws governing the photography of people and children.

The first thing to note is there is no specific law in the UK* against photographing people, even children. It is your right as a photographer to take a photo of whatever subject you like, providing your subject is not in a place where they might reasonably expect privacy (in their own home for example).

You may find that you are told not to take photographs at events by an official or a teacher. They do not have any jurisdiction under law to prevent you from taking photographs.

There have been cases of photographers being arrested or being asked to leave public events due to photographing children. Although we always suggest common sense, it is important that you know you have done nothing wrong in photographing these events.

* Please note: this is UK law, other countries laws may differ

AWKWARD QUESTIONS

You may receive some questions or comments from your subjects, and we have detailed an appropriate response to these:

”You have no right to take a photo of me or my child!”

By law, you can take a photo of anyone from any public place. If it is a private establishment like a bar for example, you must get permission from the owner.

“You can’t use those photos unless I sign a model release form”

There is no requirement for you to sign a model release form under UK law, unless you intend to use the image in commercial work like advertising. It is advisable to get a model release form signed under those circumstances.

“You are invading my privacy”

There are no specific privacy laws prohibiting you from taking photographs apart from a location where your subject might reasonably expect privacy. It would not be reasonable to take a photo of an unwilling subject through their living room window, obviously.

“I would like to see your photography license or ID”

You do not need a photography license to take photos from a public highway or with consent within a private establishment.

“I do not like that image of me/ my child — I want it deleted”

Your subject has no rights or ownership to the image. Any attempt to take the image against your will is against UK law. This goes for figures in authority like security guards or police as well as the general public.

No-one can take your photos away from you without a police warrant.

“My child is/ I am under 16, so you cannot publish the photo”

There is no age law to prevent the publication of any photos regardless of the age of the subject. There are indecency laws which cover all imagery, and you should, of course, be aware of those.

DO....

- 1.... be polite and respectful.
- 2.... ask permission to take photographs from a parent or guardian where appropriate.
- 3.... act responsibly and sensibly using a commons sense approach.
- 4.... be prepared to answer any questions about your rights as a photographer.
- 5.... be non-confrontational in your dealings with others.

6.... remember, different countries will have different rules and customs.

7.... put personal safety first.

... feel free to publish your work without the permission of your subject.

DON'T...

1.... frighten or intimidate people to get a photo.

2.... follow people around or harass them.

3.... take photos where people might expect privacy.

4.... get angry or upset if stopped by a member of the public or the police. Keep calm.

5.... be secretive or act suspiciously. You have every right to take photos in a public place.

6.... place yourself in a dangerous or awkward position that could cause harm to yourself or others e.g. in front of a fire escape.

7.... forget your insurance!

Enrol on one of our online photography courses today to find out more about this and discover more help and photography advice.

All advice is considered correct at the time of writing however you should not consider this legal advice. If you are unsure, seek advice from a legal professional.