

Photography and the Law

When you're out on the street it's important to know your rights. Follow our tips, and you'll be well on your way to staying safe and streetwise

The laws regarding street photography can sometimes seem nonsensical, but if you follow our basic guidelines you stand a much better chance of staying on the straight and narrow – and taking some great pictures too. The tips that follow are intended for shooting on UK streets, but much of the advice is also relevant to non-UK cities and towns – just check the local laws before you head off.

Be prepared to explain yourself

If you are questioned by a member of the public, try to remain respectful and be prepared to explain yourself. Most people will question your motives out of sheer curiosity or fear, so don't be too quick to judge. If someone suggests that you are breaking the law (and you know otherwise), ask for clarification and calmly, but firmly, state your case. Don't become confrontational.

Know your rights

Police officers have the right to stop and search you if they believe you are in possession of items that might be used to commit a crime (in particular, an act of terrorism). Security guards, on the other hand, do not have the same rights, and neither party can seize your equipment or demand that you delete your images, unless you are under arrest. What's more, security guards cannot legally stop you from taking pictures on public property, and if they try to remove you or your equipment they are committing an offence.

Respect personal privacy

If you are standing on public property you can legally photograph private property, but you still need to be respectful of personal privacy. If, for example, you shoot a house from a public road and the resident can be seen getting dressed through an upstairs window, you could be sued for invasion of privacy.

Always read the small print

Most of us have attended events (concerts, films and so on) where the use of recording devices is prohibited. If you refuse to put your camera away when asked to do so by staff at such an event, you may legitimately be asked to leave. Sometimes buying a ticket is considered acceptance of 'enhanced' restrictions, so if in doubt check the small print before getting your camera out.

Play it safe

You don't need special permission to photograph children in a public place (so long as the pictures are not intended for commercial or illegal purposes), but you are advised to seek consent regardless. Children cannot legally give their permission to be photographed, so you need to seek permission from a parent or legal guardian.

Be sensitive to cultural differences

If you are shooting outside the UK, ensure that you are aware of any local customs or cultural sensitivities regarding photography (as well as your own legal position). Religion, for instance, is often considered a private matter, so taking pictures at mosques, churches and other religious sites can be contentious.

Avoid obstructing thoroughfares

When you're shooting in public your equipment can become a hazard to pedestrians, so pay attention to where you leave bags and gear. If you fail to remove an obstruction when asked to do so by police you can be arrested for obstructing a public highway (this includes public footpaths).

Be careful with captions

Taking a picture of an oversized gentleman walking past a fast-food advert and then proceeding to post it on a forum with the caption 'obese man ate all the pies' could land you in a whole lot of trouble. Describe your picture using the facts and you will avoid a libel case.

Don't be a victim of crime

If possible, always keep your equipment on you – wearing your gear will reduce the chances of falling victim to an opportunist thief. Also, consider buying a camera bag with anti-theft features.

Understand the difference

If you intend to sell your photography it's important to know the difference between editorial and commercial usage. Editorial use means that a picture can be used to illustrate an article, story or educational text, but not to sell a product or promote something. Commercial use means that a picture can be used to sell a product, promote something, or raise money for a cause.

Stand on public property

If you and your subject are standing on public property, generally you do not need permission to take a picture of them – but there are a few exceptions. If your subject is engaged in a personal or private activity (such as leaving a hospital) you need to respect their privacy. If you plan on selling your work, these 'people' shots can only be used for editorial purposes – unless you have obtained a model release, or the subject appears as part of a crowd.

Obtain a model or property release

If you intend to license your people or property pictures for commercial use it's a good idea to obtain a signed release form (you can print out a model release form from the Association of Photographers' website at www.the-aop.org). Companies can be wary of purchasing pictures without these forms because the onus is increasingly on them to ensure that no laws have been broken. Generally, if the buildings and/or people in your image are not recognisable you do not need a release.

Be clear about what is 'public'

Shopping centres, parks, churches and stations might look like public places, but in reality most of them are privately owned. If you are asked to leave private property, but fail to do so, your presence could be considered trespass, and you could be removed using reasonable force.

Take care on public transport

The use of tripods (and flash) is not normally permitted on station platforms. Transport for London has specific rules regarding photography on its property, so check out www.tfl.gov.uk for guidance. Likewise, photographing or filming at airports tends to require a permit for anything more than taking casual snapshots, and shooting airside or near security gates is best avoided altogether (unless prior permission has been granted).

Be aware of enhanced protection

Some landmarks (such as Nelson's Column in London's Trafalgar Square) exist in public places, but are protected by by-laws preventing images of them from being sold for commercial (but not editorial) use. Nonetheless, photographs taken for personal use are fine.

Observe copyright laws

When you create an original artwork, such as a sculpture, painting or photograph, it is automatically protected by copyright law. As a result, if your street scene contains protected artworks (including shop logos) in a prominent position (rather than incidentally), and you plan to make your pictures commercially available, it's advisable to obtain permission from the copyright owner.

Don't become a suspect

Be cautious when taking pictures near government buildings or other sensitive locations, such as military bases and nuclear power stations – for obvious reasons. We live in testing times, and the police are naturally suspicious of anyone who looks as though they might be carrying out preparatory terrorist activities. Naturally, hundreds of pictures are taken of sensitive landmarks, such as the Houses of Parliament, every day, but if you linger too long you may well be asked to explain yourself.