

Filming in public and people's privacy

There is a lot of misunderstanding and misinformation around filming and photography in public places. In this short article I will try to clarify a few points. Before I start I would like to point out, this is not a legal document and can't be presented as part of a defence. I'm not a lawyer and have no qualifications for writing this stuff, other than a bit of research and 30 years' experience.

That experience has taught me it is always a good idea to ask permission to film, wherever you are. It's also good manners to ask people if you can film them, explaining why you're filming them.

In Britain it is completely legal to film in public places and there is no law to prevent photographers and film-makers from creating images of the public. Various laws designed to improve national security and aid the prevention of terrorism have muddied the waters a bit, and some police officers have struggled to understand and interpret these laws properly. There are a lot of entertaining arguments between photographers and police officers on YouTube.

It's quite common for police officers to ask me what I'm doing and I always tell them. They often ask for my name and, although I am under no obligation to give it, I tell them. Why wouldn't I? But nobody, not even a police officer, can confiscate footage or insist it is deleted. That requires a court order, so politely refuse and ask them to get one.

Public places vs privately owned land

There is nothing to stop me setting up my camera in the city centre and pointing it at people, provided I am not on private property. So it's important to know whether a location is public or private. Many places that are assumed to be public are, in fact, privately owned.

A shopping centre is likely to be private property and the public is only allowed in there subject to the land owner's terms and conditions. So, if the owners of Queensgate in Peterborough have a 'no photos' policy (and they do) you can be ejected for breaking their rules. You haven't broken the law, *per se*, but you have breached the terms under which Queensgate management grants you access, so that access is withdrawn and you're out on your ear.

This situation applies to car parks, bus and railway stations, airports and hundreds of other privately-owned locations. Some councils are now imposing similar restrictions on public places using by-laws, but these are usually applied to control big film companies making big productions. Some London councils sell licences to commercial film-makers and offer logistical support (road closures, parking concessions etc.) in return.

Passing strangers

As a general rule, then, it is legal to film people (including children), buildings, signs, brand logos and events from any public place without having to get permission from anybody. Many people believe they have to give their permission to be filmed but that is not the case. When filming a crowd scene in public a few years ago, I was told by a woman that it was illegal to film her because she was part of a witness protection scheme. I left her image out of the final production but I was under no legal obligation to do so.

I make lots of films in a country park near Peterborough. The land is owned by a trust and I create films for the trust. The trust has granted me permission to film on its property as long as I do so with consideration for the visitors to the park and the reputation of the trust.

Lots of people take their cameras to the park to photograph their families, the scenery and the wildlife. Of course, the trust allows them to do this; encourages them, in fact. But as a professional film-maker, creating video for commercial use, I must obtain permission and conduct myself properly at all times. I need to have public liability insurance, in case a dog-walker gets tangled up on my tripod, and I need to observe health and safety regulations.

The trust also likes me to explain to park visitors what I am doing and if a member of the public is featured prominently, then I should obtain their permission to film them. There is no legal requirement for me to do this, but I am representing the trust, so I work to their requirements.

As the land owner, the trust is free to photograph and film visitors to the park and does not need to obtain their permission. If there was ever a document setting out the terms and conditions under which visitors were allowed into the park, it could contain a clause that says the trust reserves the right to film visitors and visitors accept those terms when entering the park. But the trust likes to let visitors know if they are being filmed and will ask their permission where possible.

Contributors

Members of the public who actually take part in the making of a film should formally give their permission. Most of the time it will be enough to interview a member of the public in the street and ask their permission to use the clip while the camera is still running. The granting of permission is then recorded with the interview.

Customers being interviewed about a product or service should be asked to sign a 'model release form'. This gives the film-maker and the end client the right to use the images and statements for other PR, marketing and commercial activities.

[NorthLight Media](#) has a model release form on its website, and on the Videopeterborough.co.uk website, that can be downloaded and adapted to suit your needs. We're nice like that.

Children

Even though it is NOT ILLEGAL to film children in a public place, societal pressures and common sense guard against it. If children are in a play area accompanied by adults, then there is an opportunity to film with the permission and co-operation of the adults. Be prepared to explain very clearly what you are doing and why.

Filming children in public without the permission of a responsible adult is asking for trouble. Don't get me started on the rights and wrongs, or the sad state of modern society, just don't film any kids without all the sensible safeguards of location, notifications, explanations and permissions in place.

Many film-makers, me included, hold an archive of stock footage featuring people who have been filmed out-of-focus, or walking away from the camera. I also have lots of shots of people's feet and legs as they walk down the street. Footage of people who can't be identified can be very useful in film-making and avoids a lot of unnecessary misunderstanding and conflict.