

House of Lords

Wednesday, 16 July 2008.

The House met at three o'clock: the LORD SPEAKER on the Woolsack.

Photography: Public Places

3.13 pm

Lord Rosser asked Her Majesty's Government:

What plans they have for reviewing the rules on street photography.

Lord Bassam of Brighton: My Lords, the freedom of the press and media is one of the bedrocks of democracy in this country.

>

Although police officers have the discretion to ask people not to take photographs for public safety or security reasons, the taking of photographs in a public place is not subject to any rules or statute. There are no legal restrictions on photography in a public place and no presumption of privacy for individuals in a public place. There are no current plans to review this policy. <

Lord Rosser: My Lords, I thank my noble friend for that reply, but is he aware that magazines for photographers are reporting that photographers, including professional press photographers, are being challenged by police and private security guards when taking photographs in the street and other public places? Photographers are sometimes filmed themselves; they are told to move on or asked for their name and address. They feel that they are being harassed. Although that development no doubt relates to the changed security situation, will my noble friend seek discussions with the Association of Chief Police Officers and other interested parties with a view to establishing clearer guidelines to be consistently applied and a mutually acceptable balance between security needs and the legal right to take photographs in public places?

Lord Bassam of Brighton: My Lords, I have a great deal of sympathy for the viewpoint expressed by my noble friend. I, too, have heard those concerns; indeed, friends and family have been affected by this. My right honourable friend Tony McNulty, the Home Office Minister for Security, Counter-terrorism, Crime and Policing, will shortly meet Mr Jeremy Dear, the general secretary of the National Union of Journalists, to discuss some of the issues that my noble friend raised in his Question, as well as guidelines for journalists. We will also make contact with the Association of

16 July 2008 : Column 1242

Chief Police Officers and the National Policing Improvement Agency about the provision of national guidelines for use by police forces.

Baroness Miller of Chilthorne Domer: My Lords, I congratulate the noble Lord, Lord Rosser, on asking this Question. Why has it taken the Government so long to address this matter when the petition on the No. 10 website went up some six months ago? The Government must have been aware of the extent of the concern among photographers.

Lord Bassam of Brighton: My Lords, I have read some journals on this issue recently. Most of the concern appears to be about interaction with private security operatives. I recognise the sensitivity of the issue, which is why we are more than happy to meet Mr Jeremy Dear. The Home Secretary recently wrote to him expressing our desire to ensure that people are free and able to take photographs in public places, which is why we are taking a serious look at this issue.

Viscount Bridgeman: My Lords, can the Minister advise the House how many prosecutions and convictions have been made for the offence of photography contrary to Section 1 of the Official Secrets Act 1911?

Lord Bassam of Brighton: My Lords, I do not have those data. I asked what statistics there might be on this issue, but I do not have any. I am prepared to talk to our officials to see whether there have been any prosecutions, but I am not aware of any.

Baroness Gardner of Parkes: My Lords, are there any restrictions on CCTV cameras? Are they considered to be street photography, as that is where they are usually placed? Are they treated any differently or can anyone put up a CCTV camera anywhere?

Lord Bassam of Brighton: My Lords, other than the fact that they are subject to planning rules and restrictions, I doubt whether there are a great number of restrictions on CCTV cameras. The use of the material has, quite rightly, to be governed by data protection legislation. From time to time that emerges as an issue, as I am sure the noble Baroness is aware.

The Countess of Mar: My Lords, is the noble Lord aware of a report in the press today about a father who was prevented from photographing his children in a fairground by a crazy woman who thought that her child was also being photographed and that the photograph might be put on the internet? All of us who have children or grandchildren like to photograph them. Is it not time that the hysteria that has built up was quelled?

Lord Bassam of Brighton: My Lords, I quite agree. We need to have a sense of proportion on such issues. Photography in schools and the capturing of images of other people's children have emerged as a matter of public debate. The noble Countess is on the right lines:

16 July 2008 : Column 1243

we need to keep a sense of proportion. By and large, most people do, but one does hear of these irritating cases.

Lord Mawhinney: My Lords, I am sure that many in the House will welcome the noble Lord's intention to look at the issuing of guidelines for the police. How would the Government make those guidelines apply in practice to the private security industry, which creates the impression of having a slightly more cavalier attitude than the police?

Lord Bassam of Brighton: My Lords, we as a Government were responsible for the creation of the Security Industry Authority, with which this matter would perhaps bear being the subject of some discussion. Of course, we have the benefit of having the chair of the authority on our Benches. I have no doubt that we can engage in further discussions with her and perhaps bring about a meeting of minds, because I think that there is an issue here.

Lord Faulkner of Worcester: My Lords, is my noble friend aware that there is a particular issue with the nation's railways, with the specialist press carrying many articles about photographers on the railway being harassed by officious security staff and sometimes station staff across the network? Will he draw the attention of the train operating companies and Network Rail to the excellent guidelines produced by the British Transport Police? They make it clear not only that photographers are welcome on the railway, but that they are also an aid to security, as they provide an extra set of eyes to spot when things are amiss.

Lord Bassam of Brighton: My Lords, I suspect that the practice at railway stations varies from place to place. I am aware of the issue because my daughter explained to me recently that one of her friends, who was doing a photography project, was prevented from taking photographs at Brighton

station. To my mind, that seems rather odd. Railways are not public spaces in the same way that streets and footpaths are, but there is an issue here. We need to encourage a sensible approach, involving all bodies that provide public services.

Lord Forsyth of Drumlean: My Lords, are there not two sides to this? I support absolutely the freedom of the press to go about their business, but does not that freedom carry a certain responsibility? One sees regularly on television the atrocious behaviour of some paparazzi. I hope that the guidelines will be aimed also at the behaviour of photographers.

Lord Bassam of Brighton: My Lords, the noble Lord is right: photographers have to exercise a degree of common sense and try to work with people. Perhaps that is not the right way to put it, but it ought to be the case. Photographers have to act responsibly in the public domain. Most of them do, and we should encourage that.

End