

# Notes on Street Photography

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Photographing strangers in public places without their consent requires a degree of mental preparation that other forms of photography do not demand. You will undoubtedly be challenged at some stage & be asked, possibly aggressively, 'Why did you take my photograph?' This is therefore a question you must ask yourself before setting off to take photographs. If you cannot convince yourself, you are not going to be confident enough to convince others - especially under pressure.

So where do you stand legally & what rights do you have? Generally speaking, there are no laws prohibiting non-commercial photography in public places. However, you have to pay due regard to not causing an obstruction & not harassing anyone, both of which are offences. Using a tripod would risk causing an obstruction. Making a third unwanted attempt to photograph someone would constitute harassment.

There is a potential conflict between the UK's lack of a positive legal statement that photography in public places is permitted & the European Convention on Human Rights, which gives everyone the right to respect for their privacy. Standing in a public place & using a long lens to photograph someone through a window in their own home would be an invasion of privacy. Photographing someone who has chosen to sit in the window of a restaurant adjacent to the pavement probably would not be. The key is whether or not the person is in a place where they would have a reasonable expectation of privacy. However, the very same European Convention on Human Rights that, in Article 8, gives everyone rights to privacy, also grants everyone the right to freedom of expression in Article 10. Is not photography a freedom of expression? You have a right to take photographs.[ See Ref List attached]

In an attempt to clarify conflicts between the police & photographers, the Metropolitan Police issued their own specific advice for photographers [see Ref List attached] which states:

*'Members of the public and the media do not need a permit to film or photograph in a public place and the police have no power to stop them filming or photographing incidents or police personnel'*

*'The power to stop and search under Section 44 of the Terrorism Act 2000 no longer exists'*

*'Officers have the power to stop and search a person who they reasonably suspect to be a terrorist under Section 43 of the Terrorism Act 2000. Officers have the power to view digital images contained in mobile phones or cameras carried by a person searched under Section 43. OFFICERS DO NOT HAVE THE POWER TO DELETE DIGITAL IMAGES OR DESTROY FILM AT ANY POINT DURING A SEARCH. DELETION OR DESTRUCTION MAY ONLY TAKE PLACE FOLLOWING SEIZURE IF THERE IS A LAWFUL POWER (SUCH AS A COURT ORDER) THAT PERMITS SUCH DELETION OR DESTRUCTION.'*

Photographing women at angles that constitute 'up-skirting' & 'downblousing' & photographing a person in an intimate state, going to the toilet, or breastfeeding without consent are criminal offences. Sharing such images is an even more serious offence. However, there are defence clauses about such photographs taken in places where people had no reasonable expectation of privacy. There is no such defence for breastfeeding photographs. [See Ref]

The best mental preparation for street photography is to tell yourself:

**'MY PHOTOGRAPHY IS NOT A HOBBY – I AM A PHOTOGRAPHER. I HAVE THE RIGHT TO PHOTOGRAPH ANYONE IN A PUBLIC PLACE WHERE THEY HAVE NO REASONABLE EXPECTATION OF PRIVACY.'**

PREPARATIONS FOR POTENTIAL CHALLENGES:

**I TOOK YOUR PHOTOGRAPH BECAUSE:**

(SELECT FROM THE FOLLOWING AS APPROPRIATE)

**I AM A SOCIAL DOCUMENTARY PHOTOGRAPHER & I'M RECORDING INTERESTING EXAMPLES OF LIFE & TIMES ON OUR STREETS.**

**I NEED A PHOTO FOR A CLUB COMPETITION & THE SUBJECT IS....(pick something relevant to the occasion).**

**YOU LOOK AMAZING!** (pick an appropriate feature, tattoo, clothes, hair colour etc).

## THE HUNT

Disguise yourself by dressing down & looking ordinary. Don't wear anything distinctive. You may want to have a second go at someone & they might remember you if you look distinctive.

Don't carry a big bag of lenses. By the time you decide which equipment to use, the picture will have gone. Ideally just carry one body & one lens, the smaller & less obtrusive the better. Big cameras & big lenses are threatening.

Check the lighting & set your camera appropriately in order to be ready for a 'grab shot' that you don't have to think about. Take the lens cap off for the duration of the hunt.

Don't advertise by carrying the camera around your neck. Once you've started your hunt, carry the camera in your shooting hand with the strap wound around your wrist. Hold your hand down at your side & slightly behind your back. Keep your finger on the 'On' switch so that you can switch the camera on as you bring the camera up to your eye & transfer it to the shutter release. Practise this so that it becomes second nature

Turn your brain's radar & empathy settings up to maximum. Tune in fully to what is going on around you. Pick up the mood of people's conversation, read the expressions on faces. Calculate the movements of people around you like a fighter pilot monitoring multiple radar targets. This all helps you to anticipate events & to get you in the right place at the right time when all the individual elements of a great picture fall into place. A fraction of a second early or late is not good enough.

If you spot a great location, then linger for a 'frame & wait' picture. Confirm your camera settings & exact intended composition then wait for the right people to arrange themselves in the frame. It may take a long time – 20 minutes is not unusual - but the results can be very rewarding.

After you have taken a photograph of an individual who you think might object & challenge you, do what magicians do to their audience & 'misdirect' them. Avoid eye contact at all cost & calmly & innocently pretend to take further photographs in various different directions outside the area of the individual. Every apparent additional photograph you 'take' dilutes the impression that the individual was targeted. They begin to doubt whether they should challenge you. Walk slowly away.

If you are challenged then use one of your pre-prepared reasons for taking photographs. Keep calm, reasonable & confident. Avoid getting into a slanging match about respective rights. Assure them that the images are for your personal use only. Offer to send them a copy if they wish. Don't get brow-beaten into deleting your image(s). On the other hand, few images are worth the risk of ending up in hospital!

THE STOP: If you think you want to stop someone to photograph them, you need to make a very rapid decision. You will doubt your ability to do it (everyone does, no matter how experienced) but let the strength of your desire to take the photograph overcome your doubts. It's no big deal if they say 'No'. Look & sound confident, step into their path & make your bid enthusiastically:

**'YOU LOOK AMAZING! THAT'S A FANTASTIC TATTOO (or whatever), I'D LOVE A PICTURE PLEASE'** (This works honestly! 'Amazing' is recommended as a wonderfully versatile word as the hearer usually interprets it as 'amazingly good' when in fact they may look 'amazingly ridiculous!').

Good Luck & Happy Hunting!

## USEFUL REFERENCES

Good concise summary of rights:

<https://www.sirimo.co.uk/wp-content/uploads/2009/05/ukphotographersrights-v2.pdf>

Guidance by the Met Police themselves;

<https://www.met.police.uk/advice/advice-and-information/ph/photography-advice>

Interesting summary by the Law Commission of the problems of sexual images which informed the new Online Safety Act 2023

<https://cloud-platform->

[e218f50a4812967ba1215eaecede923f.s3.amazonaws.com/uploads/sites/30/2022/07/Intimate-Image-Abuse-summary-of-report-1.pdf](https://cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com/uploads/sites/30/2022/07/Intimate-Image-Abuse-summary-of-report-1.pdf)

The new Online Safety Act which, in paras 187-188, amends the Sexual Offences Act 2003 by including important new offences, definitions & defences

<https://www.legislation.gov.uk/ukpga/2023/50/enacted>