

Photography and Hostile Reconnaissance

– A guide for BSIA members



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Introduction to the guide

In July 2010, the Home Secretary announced her intention to review counter-terrorism and security powers, with the aim of finding a way to restore and safeguard civil liberties in a manner consistent with the security needs of the country. Police use of counter terrorism powers to prevent photographers from legitimately taking photographs was one of the issues covered by the review. This part of the review also looked at concerns expressed about the actions of “security guards attempting to take action against photographers”.

The findings of the review were published by the Home Office on 26 January 2011. In relation to photography and security guards, the review recommended that the guidance provided to private security guards be reevaluated to ensure that it sufficiently reflects the right of the public to take photographs.

From a security personnel point of view, it is important to appreciate that even when politely seeking information from members of the public, this can be regarded as unwarranted intrusion. Security guards should therefore approach members of the public to ask why they are taking photographs or filming only when they consider their behaviour to be suspicious.

In order to provide clearer guidance on best practice behaviour when dealing with individuals taking pictures or filming, the Home Office and the British Security Industry Association (BSIA) have worked on the creation of the following document, distributed exclusively to members of the BSIA's Security Guarding, Police and Public Services, Leisure Industry, Crowd Management, Close Protection and Security Consultancies sections, and the Training Providers group.

The BSIA encourages its members to distribute this guidance to any employee likely to come into contact with members of the public taking photographs or filming.

Key guidance for security personnel

The following key points will provide employees of BSIA member companies with important advice as to what is to be considered reasonable and innocent behaviour in the instance of members of the public taking photographs or filming, and what the correct course of actions is when dealing with suspicious behaviour of individuals:

- The vast majority of individuals taking photographs are doing so for entirely innocent purposes, and the fact that an individual is taking a photograph does not in itself indicate hostile reconnaissance or other suspicious behaviour.
- The size and type of cameras are not, in themselves, indications of suspicious behaviour. Large cameras, lenses and tripods should therefore not be viewed as being more suspicious than other types of equipment.
- If an individual is in a public place photographing or filming a private building, security guards have no right to prevent the individual from taking photographs.
- If an individual is on private property, s/he may not take photographs if such activity is expressly prohibited or requires a permit which has not been sought or granted. In this instance, a security guard may inform the individual of the restrictions and politely request that s/he ceases to take photographs or film. The security guard could request that the individual leave the premises and could use reasonable force if necessary to effect this.
- All approaches to members of the public should be made in a courteous manner.
- If an individual is behaving in a manner which a security guard believes to be suspicious, it is important that the suspicions are resolved either through reporting the incident to the police or through polite questioning of the individual.
- Security guards cannot delete images or seize cameras, nor can they obstruct individuals from taking photographs.
- Members of the public and the media do not need a permit to film or photograph in public places. This includes where an individual is in a public place but taking a photograph or film of a private building.
- On private land, the public may take photographs unless this activity is expressly prohibited by the landlord or a permit is required and has not been sought.
- Security guards should be mindful of the impact their actions have on members of the public. They should avoid behaving in a manner that individuals may find intimidating or aggressive, or interfering with individuals' activities without adequate reason to do so.

Police powers

If an individual is behaving in a manner which a security guard believes to be suspicious, it is important that the suspicions are resolved either through reporting the incident to the police or through polite questioning of the individual.

The police have a number of powers relevant to the use of photography for terrorist purposes, however these cannot be used to stop people legitimately taking photographs. It is not an offence for a member of the public or journalist to take photographs/film of a public building. They do not need a permit to photograph or film in a public place, and the police have no power to stop the photographing or filming of incidents or police personnel.

Additionally, police officers do not have powers under counter-terrorism legislation to delete pictures or destroy film. Cameras, film and memory cards may only be seized when an officer reasonably suspects they are intended to be used in connection with terrorism.