

Mixed messages on the right to take pictures

# The hokey Coaker

HOME OFFICE minister Vernon Coaker has confirmed that it is policy that photography can be "limited" in public places in "special circumstances". In a letter to the

NUJ dated 3 December 2008, following up on his meeting with NUJ General Secretary Jeremy Dear on 5 November, Coaker gave an alarmingly broad definition of such special circumstances, which "may be on the grounds of national security, or there may be situations in which the taking of photographs may cause or lead to public order situations or inflame an already tense situation... Additionally, the police may require a person to move on in order to prevent a breach of the peace or to avoid a public order situation or for the person's own safety and a mass snap-in of police, protesting the part of the Counter-Terrorism Act 2008 allowing for welfare or for the the arrest of anyone whose pictures are "likely to be useful to a person committing or safety and welfare of preparing an act of terrorism" – or, it seems, anyone who snaps a policeman.

Many law enforcement and security people seem to be making up the law on filming in public as they go along anyway.

A short video posted on YouTube shows numerous examples of police and Community Support Officers and security guards cluelessly telling the public they're not allowed to film or photograph in a public place, or photograph or film police officers.

*Big Brother Hates Being Filmed!* at [www.NuffRespect.notlong.com](http://www.NuffRespect.notlong.com) also features an appearance by our

own NUJ Freelance Organiser, John Toner, reiterating that "If you are on public land in a public place there is no law to prevent you either taking still pictures or moving images."



Well over 100 photographers gathered at the Metropolitan Police headquarters in London for a mass snap-in of police, protesting the part of the Counter-Terrorism Act 2008 allowing for welfare or for the the arrest of anyone whose pictures are "likely to be useful to a person committing or safety and welfare of preparing an act of terrorism" – or, it seems, anyone who snaps a policeman.

Photo © Guy Smallman [www.guysmallman.com](http://www.guysmallman.com)

(See warning below!)

Coaker, giving evidence to the Parliamentary Joint Select Committee on Human Rights on policing and civil liberties, made several references to his earlier meeting on police obstruction of journalists with NUJ General Secretary Jeremy Dear (see [www.londonfreelance.org/f/0812met.html](http://www.londonfreelance.org/f/0812met.html)).

Coaker said that since the meeting with Jeremy there is now "revised guidance making it clear that the Terrorism Act 2000 does not

prohibit people from taking photographs or digital images."

The guidance also makes it clear, he went on, that "memory cards may be seized as part of a search

but officers do not have a legal power to delete images or destroy film... we must not under any circumstances unwittingly put ourselves in a situation where photographers, journalists or others may feel that they do not have the right and do not believe that they can pursue their professional job and the public interest."

The minister also told the Committee that "Mr Dear" has been in-

See **COAKER** on p2

## Book authors can collect from Google

HAVE you had any words published in books? If so, you need to check out the settlement between the Authors Guild in the US and Google over its making books available online. In particular, if you want to opt out of the settlement, your deadline is **5 May**. See [www.googlebooksettlement.com](http://www.googlebooksettlement.com) and <http://settlement.authorsguild.org> for more.

The *Freelance* is still finding out the details of how the settlement applies to authors (a term that in-

cludes illustrators and photographers) outside the US. It appears that authors of out-of-print books who register with the Book Rights Registry, created under the settlement, will get between 30 per cent and 40% of income from adverts, library licenses and pay-per-view charges on <http://books.google.com>, after cuts for Google and the publisher, but before Registry handling charges still to be calculated.

Authors of books still in print should check their contracts to see

whether they've kept the right to have a share. You have until **5 January, 2010** to claim cash for books Google has already digitised.

Authors Guild Executive Director Paul Aiken comments on the settlement: "Authors are often considered complicated people. We don't agree with that. In fact, I can tell you very simply what all authors like: They like their books to be read, and, except for the most financially perverse of authors, they like a good royalty cheque."