

Important new ruling on child photographs

The PCC today publishes an important privacy adjudication in relation to photographs of children. It follows a complaint about a photograph in Zoo magazine of a man and his ten year old daughter making offensive gestures during last year's FA Cup semi-final between Liverpool and Chelsea. The complaint - from the man in the picture - was framed under Clause 6 (Children) of the Code and rested on the fact that the photograph of his daughter had not been pixellated.

The Commission made clear that it would not normally regard the publication of a photograph of a child attending such a public event to be intrusive or to involve the child's welfare. In this instance, it could be argued that the fact that the girl was making an anti-social gesture, alongside her father who was making a Nazi salute, meant that the photograph did concern her welfare. However, the Commission rejected the notion that the magazine should have pixellated her image.

Given the very public nature of the event, at which there were television cameras and tens of thousands of people, the Commission considered that there was implied consent from the parent for the publication of photographs taken on the day. Moreover, the Commission did not consider that it would have been fair or sensible to come to a decision that would have granted greater rights to people just because they were behaving antisocially.

The case was notable as it demonstrated that, while newspapers may voluntarily pixellate - or omit entirely - photographs of all children taken without the consent of their parents, the Code does not necessarily require them to do so.

To read the full adjudication [click here](#)

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