

Think First

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## Photographer's Rights

Time: (2) 50-minute journalism class sessions

### Goal:

There's a saying that governs most photographer's rights: if you can be there, you can shoot there.

However, photographers should be aware of the limited rules that do apply. This lesson will cover photographer's rights in relation to invasion of privacy, particularly intrusion and trespassing.

This lesson will help clarify what's off-limits and/or risky to a shutterbug, either ethically or legally.

### Assignment

1st class session:

Three photo assignment scenarios will be handed out to the students.

Each scenario will document a completed assignment shot by a fictional photographer. It will include what the assignment was and how the photographer obtained the photo.

After reading and studying the scenarios, the students will determine if the photographer obtain the photos legally or not.

The references at the bottom of this document will help guide the students in their search for the most ethical and appropriate answer.

### Scenario 1:

It's Christmas time. A student photographer is assigned to take photo of shoppers at the mall for a story on what students are buying and how much they're spending this year. The photographer goes into the mall and starts taking photos of young shoppers carrying their merchandise through the crowded hall. She takes about 10 shots in the hallway, then proceeds into a sporting goods store. The manager says she must leave. Does she have to?

Not wanting to cause a scene, she leaves the store and proceeds to take photos in the mall. She comes across a freshman she knows and takes his photo. A security guard approaches her and demands her memory card, telling her she didn't obtain permission to photograph a minor. Does she give up her memory card? Is she allowed to photograph a minor? Is she even allowed to take photos in the mall to begin with?

### Scenario 2:

A New York City resident is doing a follow-up "man on the street" on 9-11 in New York for her school paper. The photographer made a list of places to go where she could get different perspectives. On her list are the subway, a bus, the Ground Zero monument, the hospital where many of the injured were taken that day, a fire station, and people on the sidewalk near the monument. Which of these places do you

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Materials were produced for this Web site by the Journalism Education Association (<http://jeapressrights.org>) and the Center for Scholastic Journalism <http://jmc.kent.edu/csaj>.

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think would be off limits, free to shoot without permission or allowed to shoot with permission?

### Scenario 3:

The editor of the high school paper was sent an anonymous email that stated a football player on the team was recently seen at the home of a fellow student who is known to be gay. The football player often makes homophobic remarks at school. The editor, thinking this would make a good investigative piece for the paper, tells the school photographer to capture a photo of the two of them together. One night, while the photographer is staking out the house, he sees the football player pulling into the driveway, so he sneaks into the backyard and waits for the right moment of the two of them in the same shot. He takes a couple shots of the two at the back door. He also takes a couple of them sitting on the living room on the couch, using available light to capture the photo.

Where did the photographer cross the line, if he did?

2nd class session: The students, using their researched answers, will engage in a healthy discussion on photographer's rights and wrongs.

The instructor will then hand out a series of handouts, including the NPPA Code of Ethics, a prepared guide to 1st Amendment freedoms and explanations in relation to invasion of privacy issues, and a Photographer's Guide to Privacy (link in references).

Another handout will include other real-life scenarios and situations, like exposed body parts (Greg Louganis), that could be considered invasion of privacy. The students will hand in their homework scenario papers at end of class.

### Assignment learning objectives:

Students will achieve the following objectives:

1. Be familiar with Invasion of Privacy law as it pertains to photographer's rights.
2. Think like a news photographer.
3. Realize that photographer's have more rights than most people think.
4. Understand that news photographers, and this includes students, must abide by a Code of Ethics that demand truth in news gatherers.

### References:

Law of the Student Press

Photopermit.org

NPPA.org – rights

<http://www.rcfp.org/photoguide/ninekeys.html>



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