

West Virginia Executive Branch Privacy Tip

Question:

Can anyone take a picture of you, anywhere, anytime?

Answer:

Video Voyeurism Prevention Act of 2004 - 12/23/2004 - Public Law (signed into law December 23, 2004) - Amends the Federal criminal code to prohibit knowingly videotaping, photographing, filming, recording by any means, or broadcasting an image of a private area of an individual, without that individual's consent, under circumstances in which that individual has a reasonable expectation of privacy.

- Camera phones are intended to be a convenient way to take and share spur of the moment photos with friends and family. But for all of their convenience, camera phones aren't always a good thing. Now that cameras are so discreet, they're being used for more than candid shots. This has created an ever growing list of places where camera phones are unwelcome.
- Schools are banning camera phones because students are using them to photograph tests and cheat. Courthouses are outlawing them to protect undercover police officers who can be photographed while testifying. Businesses like General Motors, Intel, and Lockheed Martin are nixing camera phones as well. Such employers are afraid of James Bond-style espionage, in which employees might take photos of confidential documents and sell them to third parties.
- Thanks to camera phones, a new age of voyeurism is here. News networks have uncovered camera phones being used to watch the unsuspecting undress in gyms, department store dressing rooms, locker rooms, and tanning salons. These pictures are often posted on the internet. In almost all cases, the photos are used without the subject's permission.

What does this mean to you?

It means that when it comes to having your picture taken without your permission, you have some rights.

The Video Voyeurism Prevention Act prohibits the photographing or videotaping of a naked person without his or her permission in a gym, tanning salon, dressing room or anywhere else where one expects a "reasonable

expectation of privacy.” Violators can expect fines of up to \$100,000 and/or up to a year in prison.

This doesn’t necessarily make it illegal for someone to snap your photo without your permission though. For instance, if you’re just walking down the street and someone takes a picture, they’re well within their rights no matter how violated you might feel. If you see someone taking your photo without your permission, it’s your right to ask him or her to stop. Never take photos of people without their permission, and try to be aware of your surroundings.