

# Canadian Photographer's Rights assembled by BillKellett.ca

**NOTE: PLEASE do your own research and be comfortable with the information you have.**

## **Photographer's Rights & Responsibilities**

These guidelines are secondary to common sense, manners and respect –

- 1.** You can make a photograph of anything and anyone on any public property, (i.e.) streets, sidewalks, town squares, parks, government buildings open to the public, and public places are all OK. Except where a specific law prohibits it - generally a posted sign will advise - lack of sign does not ensure permission to photograph.
- 2.** You may shoot on private property if it is open to the public, but you are obligated to stop if the owner or owner representative (security or manager) requests it. (i.e.) malls, retail stores, restaurants and office building lobbies.
  - 2a.** You may photograph at public festivals and public events whether they are on public or private property, paid admittance or not. The event organizer or their representative (security) have the legal authority to demand that you stop taking pictures – the photographer must comply or typically you will be evicted from the site. Lack of ‘photography not permitted’ signage does not validate your photography.
- 3.** Private property owners can prevent photography ON their property, but not photography OF their property from a public location.
- 4.** Anyone can be photographed without consent when they are in a public place unless there is a reasonable expectation of privacy. (i.e.) private homes, restrooms, dressing rooms, medical facilities, phone booths & etc. Don't confuse a 'festival' or similar event as a public place - paid admittance or not - see 2A above.
- 5.** Despite common misconceptions, the following subjects in a PUBLIC setting are almost always permissible: accidents, fire scenes, criminal activities, children, celebrities, law enforcement officers, bridges, infrastructure, transportation facilities, residential, commercial, and industrial buildings. - Don't interfere or cause rescue delays of any incident. Use common sense.

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6. "For Security Purposes" is rarely an acceptable reason for restricting photography. Photographing from a public place cannot infringe on trade secrets, nor is it terrorist activity.
7. Private parties cannot detain you against your will unless a serious crime was committed in their presence. The detainers may face serious legal charges.
8. It is a crime for someone to threaten injury, detention, confiscation, or arrest because you are making photographs legally.
9. You are not obligated to provide your identity or reason for photographing unless questioned by a law enforcement officer - most local laws require you to cooperate with the police. Employ common sense and respect - My name is Bill, I'm a hobby photographer.
10. Private parties have no right to confiscate your equipment without a court order. Even law enforcement officers must obtain one unless making an arrest. No one can force you to delete photos you have made.

**These are general guidelines** regarding the right to make photos and should not be interpreted as legal advice. If you need legal help, please contact a lawyer.

When confronted, threatened with detention or the confiscation of equipment, ask the following questions: \* What is your name? \* What is the name of your employer? \* May I leave? If not, what is the legal basis of my detention? \* If equipment is being demanded, what is the legal basis for the confiscation?

## Photographers Rights Canada Resources

[www.sindark.com/2008/04/23/your-rights-as-a-canadian-photographer](http://www.sindark.com/2008/04/23/your-rights-as-a-canadian-photographer)

[www.photojunkie.ca/archive/category/blog/photographers](http://www.photojunkie.ca/archive/category/blog/photographers)

[www.flickr.com/groups/central/discuss/26171/](http://www.flickr.com/groups/central/discuss/26171/)

<http://ambientlight.ca/laws>

**USA Photographer's Rights Advocate** <http://photographyisnotacrime.com/>

