

## **Briefing for the Citizen Participation and Public Petitions Committee on petition [PE2162](#): Prevent strangers from filming or photographing children in public play parks, lodged by Sharon Glen and Alex O’Kane**

### **Brief overview of issues raised by the petition**

The petition calls for the Scottish Parliament to urge the Scottish Government to make it illegal for strangers to film or photograph children in public play parks.

It notes that in recent weeks there has been a rise in incidents where children are being filmed or photographed in public spaces, such as playgrounds, parks and outside their schools, by unknown individuals.

The petitioners believe that children deserve protection from being filmed or photographed without consent in public spaces and that this change in the law is necessary to safeguard children’s well-being.

### **Background information**

In April 2025, a number of incidents were [reported in the media](#) where children were photographed without their consent in public spaces. Police Scotland released a [statement on filming and photography in public places](#) that month, noting that individuals had been charged in two of these incidents, and that they had also investigated others but did not find criminality, stating:

“Officers have also investigated a small number of unconnected reports of filming, these have been found to be parents filming their own children or other individuals who were not filming children and no criminality was established.

Police Scotland takes reports seriously and will investigate any matters reported to us.”

### **Current law – criminal**

In the statement by Police Scotland outlined above, Assistant Chief Constable Catriona Paton stated that:

“It is not illegal to take photographs or video footage in public places unless it is for criminal purposes.”

It is possible, however, for the police to charge an individual behaving in this manner under existing offences.

## **Breach of the peace**

Filming or photographing children in public places can be prosecuted as a common law offence of breach of the peace or under [section 38 of the Criminal Justice and Licensing \(Scotland\) Act 2010](#), which is known as a 'statutory breach of the peace'.

The common law offence of breach of the peace is defined as:

“...one or more persons conducting himself or themselves in a riotous or disorderly manner, where such conduct is severe enough to cause significant alarm to ordinary people and threaten serious disturbance to the community.”

The statutory offence requires that:

- the person “behaves in a threatening or abusive manner”,
- the “behaviour would be likely to cause a reasonable person to suffer fear and alarm”; and
- the person “intends by the behaviour to cause fear or alarm or is reckless as to whether the behaviour would cause fear or alarm”.

Under either offence, the police do not require to know or prove what the intended use of any photographs or films is, the behaviour itself can be enough to constitute an offence.

## **Indecent images**

The situation in the incidents referred to by the petitioner does not relate to instances where the images taken were indecent, but where that was the case, there is also legislation to address this. Sections [52](#) and [52A](#) of the Civic Government (Scotland) Act 1982 set out offences related to the taking, distribution, possession and publishing of indecent photographs of children.

## **Data on offences**

In response to an [FOI request](#) asking Police Scotland for data on the number of reports that had been filed regarding individuals taking indecent/inappropriate pictures of children in public view without parents' consent, they responded that:

“...there is no specific incident classification that directly aligns to the type of behaviour described in your request. With respect to initial incidents, any such reports could be recorded under a number of classifications including child protection, public nuisance, suspect persons etc. In the event of any associated crimes being recorded

again, the classifications could vary significantly depending on the circumstances.”

## **Current law – civil**

Depending on the circumstances, filming or photographing children may also fall under elements of civil law.

For example, landowners may prohibit filming on their property and can refuse permission to film or ask persons filming to stop.

Filming in an aggressive or persistent manner may also constitute harassment which can potentially form the basis of a civil court claim as well as being a criminal offence.

There can also be questions surrounding children’s rights to privacy due to the right to respect for private and family life (in Article 8 of the European Convention on Human Rights) being part of UK law as a result of the Human Rights Act 1998.

UK data protection law (Data Protection Act 2018 and UK General Data Protection Regulation) can also be relevant where images include personal data (i.e. someone can be recognised from a photograph). For some examples of potential issues see [the document “Taking photos in schools” on the website of the Information Commissioner’s Office](#).

Other areas of civil law which can potentially be relevant include the law on defamation and copyright law.

## **Scottish Government action**

The [Scottish Government’s written submission to the Committee](#) of 19 May 2025 noted the following in response to the question of the action they were taking to address the issues raised by this petition:

“Noting that current law as explained by Police Scotland has been used and will continue to be used where relevant, there are no current specific plans on the part of the Scottish Government on this issue.”

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**Senior Researchers, SPICe**

11 June 2025

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at [spice@parliament.scot](mailto:spice@parliament.scot)

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