

Privacy law: taking photos without permission in the uae and us essay example

[Design](#), [Photography](#)



Introduction

Privacy law is a vast area of law that encompasses many things from data collection and security to photography. Although there is no specific United States Constitutional Amendment which guarantees the right to privacy in the same way that the right to free speech and the right to bear arms is guaranteed in the Bill of Rights, the right to privacy is presumed from the interpretation of other rights guaranteed by the Constitution primarily in the Ninth and Fourteenth Amendments. Furthermore, a number of state and federal laws have been enacted to protect the privacy of individuals. Similarly, a significant percentage of other countries have their own laws regarding privacy to protect the privacy of individuals within their borders or utilizing their public information systems. These laws have a number of similarities and a number of differences from the privacy laws of the United States. Throughout this paper, I will examine the privacy laws with respect to photography in both the United States of America and the United Arab Emirates.

Privacy

The foundation of privacy law is based on an individual's reasonable expectation of privacy. The right to privacy was first enumerated in a legal context in the United States in "The Right to Privacy," an article written by Louis Brandeis and Samuel D. Warren appearing in the Harvard Law Review in 1890. In this article the authors, both noted legal scholars, asserted that common law grants a right to privacy. This right to privacy was interpreted further by noted legal scholar Dean Prosser to include four tort actions.

These torts include: 1) the misuse or appropriation of one's identity by another for personal gain; 2) the depiction of another in a false light; 3) the public disclosure of private facts; and 4) the unreasonable intrusion on the solitude of another. It is from this early interpretation of the common law right to privacy that subsequent laws regarding the right to privacy are based.

US Privacy Law and Photographs

The United States laws regarding privacy include both federal law and state law. Therefore, the laws regarding photography may vary within the United States according to location. However, there is some general consistency in the law. In the United States, it is generally legal to photograph anyone and anything that is visible to the public in a public place. In private locations, however, whether or not it is legal to photograph certain things often depends on their visibility to the public. The owner of the private property has a legal right to restrict the use of photographic devices by those who are on the property as well. Furthermore, it is important to note that if you are on public property you still cannot photograph someone who is in a location where he or she has a reasonable expectation of privacy, such as a bathroom or locker room, even if you can get a clear view of the person from your position on public property (See Komando, 2008).

UAE Privacy Law and Photographs

The laws of the United Arab Emirates differs from the laws of the United States regarding privacy and photography. “ According to UAE law, it is prohibited to take video or photographs in public areas without gaining

permission from the people involved” (Rai, 2013). The other circumstance where it is lawful in the United Arab Emirates to photograph another without that person’s permission is if one has the permission of the public prosecutor (See Rai, 2013).

The new laws of the United Arab Emirates regarding privacy and photography are generally cyber laws that deal with the posting of photography on social media sites. It is illegal in the United Arab Emirates to post the photograph of another on a social media site without the other’s consent. This is not a minor violation of the law, instead it is a violation which is punishable by jail time (See Mukhopadhyay, 2013). The term of imprisonment for such a violation of the law is generally six months and one can be ordered to pay a hefty fine of up to 500, 000 dirhams which is equal to approximately \$140, 000 US dollars.

Furthermore, it is not simply people that one is forbidden to take photographs of in the United Arab Emirates. It is also illegal to take photographs around the presidential palace “ due to the nature and sensitivity of the place as a presidential palace” (Mustafa, 2011).

Photography is automatically prohibited at embassies, royal places, and security facilities (See Mustafa, 2011). Other places that wish to prohibit photography must do so by decree and have clearly printed signs that state the photography is prohibited at that location. Furthermore, in other highly secure areas such as military zones and diplomatic zones, there must either be a clear sign posted prohibiting photography, or the prosecutor must show ‘ ill-intent’ on the part of the photographer to sustain a conviction (See Mustafa, 2011).

Conclusion

The laws regarding privacy in the United States of America and the United Arab Emirates are vastly different. Because of these laws differences, it is very important for a person traveling between the two countries to understand the difference between the two sets of laws. The reason for this importance is that the United States generally considers the violation of privacy to be a civil tort offense, however, the United Arab Emirate considers the violation of privacy to be a far more serious criminal offense punishable by severe fines and jail time. One reason for this difference could be that United States failed to recognize the right to privacy in the Constitution at its inception. The right to privacy is a common law doctrine that is granted through the interpretation of several amendments. The United Arab Emirates, a traditionally Muslim atmosphere, has a far most stringent view of the right to privacy. This has lead the UAE to devise stricter laws concerning photography of which anyone traveling to the area from the United States needs to be aware.

In summary, the important difference between the United States alw and the United Arab Emirates law is as follows. In the United Arab Emirate, one must receive permission from the subject of the photography for it to be lawful. Furthermore, photography is prohibited in certain places for privacy and security reasons. In the United States, photography is permitted in virtually all public areas, and anyone in a public place other than restrooms and the like may be photographed.

Works Cited

“ Facebook Fans Be Warned, Posting Photos Online Can Land You in UEA Prison.” The National.

November 4, 2013. Retrieved From: [http://www.thenational.ae/uae/courts/facebook-](http://www.thenational.ae/uae/courts/facebook-fans-be-warned-posting-photos-online-could-land-you-in-uae-prison)

[fans-be-warned-posting-photos-online-could-land-you-in-uae-prison](http://www.thenational.ae/uae/courts/facebook-fans-be-warned-posting-photos-online-could-land-you-in-uae-prison)

[fans-be-warned-posting-photos-online-could-land-you-in-uae-prison](http://www.thenational.ae/uae/courts/facebook-fans-be-warned-posting-photos-online-could-land-you-in-uae-prison)

“ Think Twice Before taking Pictures In Public.” USA Today. April 17, 2008.

Retrieved from:

[http://usatoday30.usatoday.com/tech/columnist/kimkomando/2008-04-17-](http://usatoday30.usatoday.com/tech/columnist/kimkomando/2008-04-17-public-photography_N.htm)

[public-photography_N.htm](http://usatoday30.usatoday.com/tech/columnist/kimkomando/2008-04-17-public-photography_N.htm)

Mustafa, A. “ Two Fined for Taking Yas Marina Racetrack Photos.” The National. February 1,

2011. Retrieved From: [http://www.thenational.ae/news/uae-news/two-fined-](http://www.thenational.ae/news/uae-news/two-fined-for-taking-yas-marina-racetrack-photos)

[for-](http://www.thenational.ae/news/uae-news/two-fined-for-taking-yas-marina-racetrack-photos)

[taking-yas-marina-racetrack-photos](http://www.thenational.ae/news/uae-news/two-fined-for-taking-yas-marina-racetrack-photos)

Mukhopadhyay, S. “ United Arab Emirates Threatens Jail for Posting Online

images without Consent.” International Business Times. November 5, 2013. Retrieved from: [http://au.ibtimes.com/articles/519484/20131105/uae-cyber-law-posting-](http://au.ibtimes.com/articles/519484/20131105/uae-cyber-law-posting-images-video-online.htm)

[images-video-online.htm](http://au.ibtimes.com/articles/519484/20131105/uae-cyber-law-posting-images-video-online.htm)

Rai, B. “ Man Who Shot Video of Assault on Dubai Driver Arrested.” July 18,

2013. Retrieved [video-online.htm#](https://assignbuster.com/privacy-law-taking-photos-without-permission-in-the-uae-and-us-essay-example/)

<https://assignbuster.com/privacy-law-taking-photos-without-permission-in-the-uae-and-us-essay-example/>