

Abstract

This paper analyses the situation of taking photographs in public places, from the empirical point of view and at the same time taking a theoretical approach to the problem. The concept of photography in public places is analysed from a broad perspective, including public spaces in which people may move about at will, properties of public bodies providing services and other such facilities, private zones and buildings, and private property protected by cultural heritage legislation.

It looks at the existence of a right of access to take photographs in such places from the basis of a generic right to information and a specific right to news information.

There is also an analysis of the concurrence of other rights such as copyright on photographic work, ownership of such work and individual rights to the image of persons. These rights are analysed by seeking a balance that permits dissemination of the common heritage of citizens – which is in the last analysis what is captured through photographs taken in public zones – without arriving at a restrictive situation which would stand in contradiction to the reality of the history of photography.