

## CCTV footage of suicide attempt violates human rights

In a landmark decision, the European Court of Human Rights has ruled that a British man's right to respect for his private life was violated when CCTV footage of him attempting suicide was released to the media. The court awarded him damages of £7,800.

The case was brought by Geoffrey Peck, 42, who, on the evening of 20<sup>th</sup> August 1995 and while suffering from depression, walked down Brentwood High Street in Essex with a kitchen knife in his hand and attempted suicide by cutting his wrists. He was unaware that he had been filmed by a closed-circuit television (CCTV) camera installed by Brentwood Borough Council.

The CCTV footage did not show Mr Peck cutting his wrists. The camera operator promptly notified the police, who arrived at the scene, took the knife and gave Mr Peck medical assistance. He was then taken to the police station, where he was detained under the Mental Health Act 1983. After being examined by a doctor, he was released without charge.

A few days later, the Council issued two photographs taken from the CCTV footage with an article entitled: "Defused - the partnership between CCTV and the police prevents a potentially dangerous situation." Mr Peck's face was not masked. The Council disclosed the photographs to two local newspapers which published them, and a number of people recognised Mr Peck.

The Council also issued the CCTV footage to Anglia TV which included it in a local broadcast to an audience of 350,000. This time, Mr Peck's face was masked at the Council's request. Finally, the footage was supplied to the producers of "Crime Beat", a BBC series with an average of 9.2 million viewers. The Council requested again that all faces should be masked. In trailers for the series, however, Mr Peck's face was identifiable. Although his face was eventually masked in the main programme, he had already been recognised by friends and family.

After the independent television commission and the broadcasting standards commission both agreed that his privacy had been violated through human error, Mr Peck took the case to court, with the backing of civil rights group Liberty.

The High Court rejected his claims in 1997, reasoning that the Council had not acted "irrationally." The court did not examine whether Mr Peck's privacy was violated, because UK law does not recognise a specific right to privacy. When his request for an appeal was rejected, Mr Peck took his case to the European court of Human Rights. The court upheld the complaint, reasoning that the disclosure of the CCTV footage to the media constituted a "disproportionate and unjustified interference with the applicant's private life", in violation of Article 8 of the European Convention of Human Rights.

The court said in its decision: "Following the disclosure of the CCTV footage, the applicant's actions were seen to an extent which far exceeded any exposure to a passer-by or to security observation and to a degree surpassing that which the applicant could possibly have foreseen. The disclosure by the Council of the relevant footage therefore constituted a serious interference with the applicant's right to respect for his private life."

The court also found that neither the judicial review of the case nor UK law provided Peck with an effective remedy, in breach of Article 13 of the Convention, and awarded him £7,000 damages and a further £12,000 in costs. Although the Convention has been part of UK law since 2000, courts have not yet used it to grant a right to privacy. Instead, they have continued to develop existing remedies such as breach of confidence. The decision of the European Court of Human Rights is available at: [www.echr.coe.int/Eng/Press/2003/jan/Peckjudeng.htm](http://www.echr.coe.int/Eng/Press/2003/jan/Peckjudeng.htm)