

Citizen Participation and Public Petitions Committee
Wednesday 10 September 2025
13th Meeting, 2025 (Session 6)

PE2162: Prevent strangers from filming or photographing children in public play parks

Introduction

Petitioner Sharon Glen and Alex O'Kane

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to make it illegal for strangers to film or photograph children in public play parks.

Webpage <https://petitions.parliament.scot/petitions/PE2162>

1. This is a new petition that was lodged on 8 May 2025.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. Every petition collects signatures while it remains under consideration. At the time of writing, 4,964 signatures have been received on this petition.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.
6. The Committee has received submissions from the Scottish Government and the Petitioner which are set out in **Annexe C** of this paper.

Action

7. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
September 2025

Annexe A: Summary of petition

PE2162: Prevent strangers from filming or photographing children in public play parks

Petitioner

Sharon Glen and Alex O'Kane

Date Lodged

8 May 2025

Petition summary

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

Background information

In recent weeks, there has been a disturbing rise in incidents where children are being filmed or photographed in public spaces, such as playgrounds, parks, and even outside their schools, by unknown individuals. Parents and communities across the country are growing increasingly concerned about the safety and privacy of their children, yet current laws do little to prevent these invasive and unsettling actions.

We believe that children deserve protection from being filmed or photographed without consent in public spaces. That is why we are calling for new legislation to make it illegal for anyone to film or photograph minors in public settings without parental or guardian permission. This change is necessary to safeguard the well-being of our children.

By signing this petition, you are supporting a crucial step toward stronger protections for our children. Let's stand together and demand action before more children become targets of unwanted surveillance and exploitation.

Annexe B: SPICe briefing on PE2162



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."

Kirsty Deacon and Angus Evans
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

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP

Annexe C: Written submissions

Scottish Government written submission, 19 May 2025

PE2162/A: Prevent strangers from filming or photographing children in public play parks

Does the Scottish Government consider the specific ask of the petition to be practical or achievable?

Current law can be used in addressing this type of behaviour. In response to reports made to Police Scotland in respect of certain incidents occurring, Police Scotland have issued a statement (see [Filming and photography in public places - Police Scotland](#)) noting that they are aware of concerns being shared on social media about filming in and around play parks and that individuals have been charged with alleged offences of breach of the peace in connection with incidents in Paisley and Rutherglen.

The Police Scotland statement notes that people should remind anyone videoing or photographing in public to respect those around them. They note that “Police officers balance the rights of people to film with the potential to cause fear or alarm and make decisions based on individual circumstances.” In addition, Police Scotland indicate that “It is not illegal to take photographs or video footage in public places unless it is for criminal purposes.”

Within this context of how current law operates, it may be possible to create an offence that would criminalise filming children in public play parks in certain circumstances. However, in practice it is not clear what any such offence would provide to the police, prosecutors and courts in terms of powers that they do not already have to address inappropriate filming or photographing of children in public places using the common law offence of breach of the peace or, depending on the facts and circumstances of the specific case, other criminal offences which may cover the behaviour in question.

What, if any, action the Scottish Government is currently taking to address the issues raised by this petition, and is any further action being considered that will achieve the ask of 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.

Criminal Justice Division

Petitioner written submission, 4 June 2025

PE2162/B: Prevent strangers from filming or photographing children in public play parks

The wording of the petition as it stands was restricted by the format of the petition application and the fact that this was Sharon's first time writing a petition.

My involvement included a more detailed explanation and perhaps a more reasonable and achievable outcome for the petition in terms of possible options.

I have enclosed the extended and more detailed explanation of the aims of this petition below for the attention of the Committee.

As Police Scotland has clearly said it is not a criminal offence for complete strangers to photograph or video children in play parks or other public places.

This is a loophole in the law which currently would permit a convicted paedophile to attend a play park and take picture of children to sexually exploit their images.

As it is currently not against the law, Police Scotland have no powers to stop, question, obtain detail or investigate who is taking the images of children or why they are taking images of children. The Police can of course ask questions but there is no legal requirement for the individual to answer any questions or help with any investigation. So, the Police are completely powerless.

For example, yesterday I (The No1seems2care Help Site) received a message from a mother as a strange man was outside her daughter's school videoing children. The Head Teacher sent a communication to parents informing them that they were aware and the Police had been contacted.

This incident clearly breached the peace and caused disruption to those involved. It actually caused fear and alarm to a number of other parents.

However, if the man responsible is traced Police Scotland have a dilemma as even if they can prove this man was videoing children, even if this man admits he was videoing children, there is nothing the Police can do about it as his actions are not against the law. This man would not even be obliged to talk to the Police as no crime has been committed.

Worst case scenario, if this man wanted to harm children or sexually exploit their images, the Police have no way to explore or investigate this man's motivation or intentions.

This doesn't feel right. Indeed this current situation is failing to properly and reasonably protect children.

The current legislation was not designed and has not evolved to consider the fact that most people are now carrying devices (phones) which have video and photography capabilities. In addition, we should consider that the internet sadly offers more opportunities and networks for images of children to be sexually exploited.

I would respectfully ask Police Scotland if they accept that images of children which have been taken without the permission of parents are being sexually exploited. This would be a good starting point for the basis of this petition.

More detailed explanation of the aims of the petition below:

I have received dozens of messages from parents concerned about strangers taking pictures of their children in play parks and other public areas.

Whilst I fully support the right to take pictures and videos in public places, indeed this right can often be 'best evidence' to protect the public in many different ways - I believe a level of protection should be considered to protect the images of children from being abused and sexually exploited.

It's safe to say that images of children are being taken, shared and exploited for sexual gratification on social media platforms. I say this as I have been involved, in the past, with trying to shut a number of these sick platforms down.

The problem I faced was that these platforms are often set up in different countries and the images don't break the standards of the platform rules. In addition, there will undoubtedly be images being shared privately in paedophile circles and networks.

Police Scotland recently confirmed that it's not a criminal offence to take pictures or videos in public places. It's only an offence if these images are being used for criminal purposes.

However, as it's not an offence to take pictures or videos in public places, the Police by their own admission have no powers to stop and question people, obtain their details or forensically interrogate their phones or other devices.

The Police are currently dependent on the individual answering questions voluntarily and honestly. In other words, if they asked an individual if they took a picture of a child and that individual said "no" there is nothing they can do about it. Indeed, if the individual said "yes", there is still nothing they can do about it.

The question really is what type of individual would knowingly take pictures of children they don't know in public parks and other public areas? What would these images then be used for?

It's important to add context to this and consider the current climate of child sexual exploitation. It's a horrific and sensitive subject that most people are extremely aware of and fully understand.

Given this, I seek to explore what middle ground or options might be available to either -

- Prevent the photography or videoing of children in public play parks, by strangers, and other controlled public places. Either by introducing Government legislation or local authority bylaws.

or

- Conditionally permit photography and videoing in such places as long as reasonable explanations are given and the Police have new powers to question people, secure their details and interrogate their phones or devices if necessary.

or

- Both of the above.

Legislation has to evolve as needed and right now it's needed to protect the images of children from being sexual exploited. It's also needed to reassure the public that their children are safe in such areas.

I would be obliged if you could consider my concerns, which have been echoed by hundreds of people who have commented and shared their experiences on the No1seems2care Facebook platform.

Petitioner written submission, 13 August 2025

PE2162/C: Prevent strangers from filming or photographing children in public play parks

The Committee may be wondering why we are requesting more regulation on the photography of children without consent in play parks and other areas at this point in time.

With evolvement of time, technology, trends and social communication networks, new dangers now present themselves.

In other words, most people are now carrying a mobile phone which is capable of capturing video and still images. These images can be quickly distributed via social media networks for nefarious purposes including the sexual exploitation of children's images.

Some of these social media platforms have been brought to my attention, via the No1seems2care help site, in the past and I have actively tried to shut them down. The problem was that the images on them did not break the community standards of the platforms they were on as they were not considered sexually explicit.

These images include kids in play parks and other public areas and it was clear by the comments under the posts what purpose these images were serving.

It was sickening to read the comments and see a child's images being used for such a purpose. The owners and users of these types of pages can be based abroad or be using a VPN service to hide their identity, so it's difficult to police them from the UK especially if the images are being subtly used and don't break the community standards of the relevant platform provider.

This is an example of how images of children can end up being sexually exploited on a larger scale and why we request new regulations to reduce or prevent this from happening.

In terms of the impact on the public, think how parents must feel knowing that a stranger has captured images of their children, without consent, especially under suspicious circumstances. The parents are left wondering where these images will end up and what they might be used for. This understandably causes significant distress and alarm.

There are so many other parents out there who are left wondering what the images of their children are being used for as these types of incidents are on the increase.

We are asking the Committee to explore new avenues to prevent images of children being taken without consent in specific areas such as play parks. We are also asking the Committee to explore the possibility of new legislation being considered that would give Police Scotland the powers to secure the identities of adults who have taken the images of children in specific areas without consent and examine their devices in some cases where no reasonable explanation can be given and suspicion of bad intentions is high. We would also request the Committee to consider the possibility, via local authorities, of signage being put in place at play parks requesting no videoing or photography of children within these areas.