



**An Bille um Íospartaigh Tionóiscí a Chosaint ar Thaifeadadh
Neamh-Chomhthoiliúil Íomhánna, 2022**

**Protection of Accident Victims from Non-Consensual Recording of Images Bill
2022**

Mar a tionscnaíodh

As initiated



**AN BILLE UM ÍOSPARTAIGH TIONÓISCÍ A CHOSAINT AR THAIFEADADH
NEAMH-CHOMHTHOILIÚIL ÍOMHÁNNNA, 2022
PROTECTION OF ACCIDENT VICTIMS FROM NON-CONSENSUAL RECORDING
OF IMAGES BILL 2022**

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ACT REFERRED TO

Broadcasting Act 2009 (No. 18)



**AN BILLE UM ÍOSPARTAIGH TIONÓISCÍ A CHOSAINT AR THAIFEADADH
NEAMH-CHOMHTHOILIÚIL ÍOMHÁNNNA, 2022
PROTECTION OF ACCIDENT VICTIMS FROM NON-CONSENSUAL RECORDING
OF IMAGES BILL 2022**

Bill

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entitled

An Act to prohibit the recording or publication without consent of certain images of persons who are dead, seriously injured or in shock as a result of an accident or other emergency, and to provide for connected matters.

Be it enacted by the Oireachtas as follows:

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Interpretation

1. In this Act—

“protected image” means a visual representation (including any accompanying sound) made by any means including any photographic, film, video or digital representation, of a person at the scene of an accident or other emergency who, as a result of that accident or emergency, is—

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- (a) dying or dead,
- (b) seriously injured, or
- (c) in a state of nervous shock;

“publish” means distribute or publish, other than by way of broadcast (within the meaning of the Broadcasting Act 2009), to the public or to a portion of the public.

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Offence

2. (1) A person is guilty of an offence where—

- (a) he or she records or publishes a protected image of another person without that other person’s consent, and
- (b) that conduct seriously interferes with the peace and privacy of the other person or causes distress, alarm or harm (including psychological harm) to the other person or to members of the family or friends of the other person.

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(2) A person guilty of an offence under *subsection (1)* is liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months, or both.

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Exceptions

3. *Section 2* does not apply to a person at the scene of an emergency who publishes a protected image—
- (a) to another person in the course and for the purpose of obtaining assistance, advice or care for, or providing assistance, advice or care to, a person appearing in the image, or 5
 - (b) in the performance of his or her functions as a member of the Garda Síochána.

Public interest defence

4. It is a defence to an offence under *section 2* to show that—
- (a) publication of the image was justified by overriding considerations of the public interest, including the public interest in access to information of public importance, and 10
 - (b) the nature and extent of the disclosure effected by the publication, was not, by reason of its detail or the extent of its intrusiveness into private life, excessive.

Short title

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5. This Act may be cited as the Protection of Accident Victims from Non-Consensual Recording of Images Act 2022.

An Bille um Íospartaigh Tionóiscí a Chosaint
ar Thaifeadadh Neamh-Chomhthoiliúil
Íomhánna, 2022

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do thoirmeasc íomhánna áirithe de dhaoine atá marbh, a ndearnadh mórdhíobháil dóibh, nó atá suaite de thoradh tionóisce nó éigeandáil eile, a thaifeadadh nó a fhoilsiú gan toiliú agus do dhéanamh socrú i dtaobh nithe comhghaolmhara.

An Teachta Donncha Mac Gabhann a thug isteach,
14 Iúil, 2022

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Non-Consensual Recording of Images Bill
2022

BILL

(as initiated)

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Introduced by Deputy Duncan Smith,
14th July, 2022

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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