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**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**

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*Meabhrán Míniúcháin*  
*Explanatory Memorandum*

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

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**EXPLANATORY MEMORANDUM**

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**Purpose of Bill**

According to its long title the purpose of this short Bill is 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. The posting online of images taken by those who come upon the scene of an accident has become common, so that family members and friends may be exposed to such images before they have learned of the accident. It is a disrespectful and distressing intrusion into private grief.

**Provisions of Bill**

*Section 1* is the interpretation section. Principally, it defines a “protected image” as meaning 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 dying or dead, seriously injured, or in a state of nervous shock.

*Section 2* provides that a person is guilty of an offence where he or she records or publishes a “protected image” of another person without that other person’s consent, and 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.

A person guilty of this offence is liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months, or both.

*Section 3* provides that this offence does not apply where a person at the scene of an emergency publishes a protected image 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 where the person publishes it in the performance of his or her functions as a member of the Garda Síochána.

*Section 4* provides for a “public interest defence”. It will be a defence to an offence under *section 2* to show that 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 that 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.

*Section 5* provides in standard form for the short title of the Bill when passed.

*Duncan Smith, TD,*  
*Hül, 2022.*