Filming Guidelines when using Go-Pros, Fixed Cameras, CCTV or when an Access Agreement has been made with an official entity or agency regarding access to their work so that their work can be filmed for broadcast.

Guidelines for filming:

(a) with Body-Cameras, Go-Pros, Fixed Cameras, CCTV Cameras or any kind of camera other than a full sized production camera; and

(b) with any kind of camera where there has been an Access Agreement signed with whatever Agency or Entity the subject of the filming *prior* to the commencement of the filming.

The following Practical Guidelines are for adoption by Channel 5 as standard procedure in any production where "surreptitious filming" in the *Miss F* sense (see Ofcom Broadcast Bulletin 340, 30 October 2018) is involved.

1. In all cases, at the earliest opportunity and preferably before filming commences, the subject be advised that she/he is being filmed and that the footage will be available for possible broadcast in a specified programme on Channel 5. In particularly difficult or sensitive cases, it may be sufficient to advise a subject of the key issues later in the filming process or after it is completed, but this is very much the exception rather than the norm although it may be more common in cases which involve active police investigations and result in convictions.
2. Ideally, a card or letter should be given to the filmed subject advising of (1) as well. Notices inside vehicles or rooms may suffice to constitute notice, but it will always be important to consider how and whether the notice was brought to the attention of the subject and that they comprehended what the notice said. Notices on bikes or motor-bikes are unlikely to be effective unless it is clear that the subject saw, read and comprehended the notice.
3. Where there is open filming on main cameras owned and operated by the Production team in addition to "surreptitious filming", images captured "surreptitiously" will not be warranted simply because there is open filming on the main cameras.
4. Where there is appropriate notice given to a subject being filmed "surreptitiously", it will still be necessary to establish relevant public interest to justify any broadcast but the *filming* will not be "surreptitious".
5. Any "surreptitious filming" needs to be warranted:
    a. In the ordinary sense, this means that there must exist, prior to filming, *prima facie* evidence of wrong doing. *Miss F* establishes that Ofcom does not consider civil debts made enforceable by a Court enough to warrant filming at a private home where the debt is sought to be recovered. However, if a previous attempt to execute the debt had occurred and the debtor had been violent, that would be likely to warrant the "surreptitious filming".

b. Where criminal activity is suspected, if the relevant authority has reasonable grounds to expect that a crime has been committed, or a search warrant has been issued, it is likely that “surreptitious filming” would be warranted.
c. Where the “surreptitious filming” captures the actual commission of a crime or an example of anti-social behaviour as it occurs, it is likely that “surreptitious filming” would be warranted.
d. Where a subject is filmed as a part of a random operation the situation is less clear and likely to be considered “surreptitious filming” by Ofcom. However, it is likely, but not certain, that conviction of the subject prior to broadcast will retrospectively warrant the filming and justify the broadcast.
e. In all cases, the vulnerability of the subject or the severity of the intrusion into privacy will be key factors to be considered in deciding whether “surreptitious filming” is warranted.

6. Where a production company or commissioner has any doubt, prior to filming advice should be sought from C5 Content Legal Advice.
7. None of these rules affect investigative journalism and the way in which surreptitious filming in that context is conducted.

The above is intended to provide some clarity in this area, and should be generally adopted.

If there are special circumstances where it is believed there is a justification for going outside of this Guidance, then please refer the proposed filming or content to C5 Content Legal Advice.