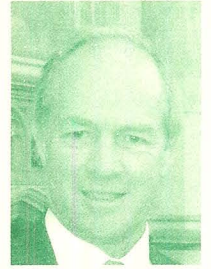




Rt Hon Peter Lilley MP
Member of Parliament for Hitchin and Harpenden

House of Commons
London SW1A 0AA



Michael Utteridge Esq
36 The Uplands
Harpenden
Hertfordshire AL5 2NZ

03 September 2010

Dear Mr Utteridge

Further to my letter of 6 July, 2010, I have now heard from the Secretary of State for Business, Innovation and Skills, Vince Cable, in response to the points that I raised for you about the Digital Economy Act.

I enclose a copy of the Minister's letter for your information and if there are any points arising from the reply that you would like me to take up on your behalf, please do not hesitate to get in touch.

Yours sincerely

The Rt Hon Vince Cable MP

Secretary of State for Business,
Innovation and Skills

Our ref: 2010/0058116POVC

The Rt Hon Peter Lilley MP
House of Commons
London
SW1A 0AA

26 August 2010



Thank you for your letter of 6 July, enclosing correspondence from your constituent Mr Michael Utteridge, of 36 The Uplands, Harpenden, Hertfordshire, about proposed changes to the copyright framework in the Digital Economy Bill and the effect on photographers.

During the passage of the Bill many photographers raised concerns specifically about provisions to allow the licensing of orphan works, and provisions to introduce extended collective licensing to the UK.

Both of these provisions were included in Clause 43 (initially Clause 42) of the Digital Economy Bill which was withdrawn by the previous Administration at committee stage of the Bill in the House of Commons. As such, I hope you can reassure Mr Utteridge that the copyright issues that were of concern to photographers were not included in the resulting Digital Economy Act.

Around the same time as the Bill was proceeding through Parliament, the Information Commissioners Office (ICO) proposed a new code for personal information online and its effect on the taking of photographs in a public place. There were misleading reports on a number of websites which led to some confusion among the photographic community that these guidelines would form part of the Digital Economy Bill. I can clarify that these provisions never formed part of the Digital Economy Bill (and do not feature in the subsequent Digital Economy Act).

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www.bis.gov.uk

The ICO have stated that the code does not deal specifically with taking or publishing photographs. It does not change the existing law, nor is it intended to stop photographers taking pictures in public places, even if an identifiable individual has not consented to his or her picture being taken. However, the Information Commissioner advises that photographers (professional or otherwise) should take into account the effect on any individuals in the photograph, of taking or publishing the photograph.

I hope this helps when replying to Mr Utteridge.

A handwritten signature in black ink, appearing to be 'Vince Cable', written in a cursive style.

VINCE CABLE