# [GB] Data stored in computer are "photographs" and activities in relation to data can be brought under Obscene Publications Act

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A computer specialist at the University of Birmingham used the computer to which he had access in the course of his employment to store data which permitted him to display indecent pictures of children on the screen and make prints thereof. The question before the court was whether the images so stored constituted `photographs' under Section 1 of the Children Act 1978 and whether the distribution of the images was an offence under the 1959 and 1964 Obscene Publications Act. Generally, the question was: if these Acts were passed at a time that Parliament could not have envisaged the technical capabilities of contemporary technology should the Court hold that Parliament could not have intended that the activities in the instant case to be caught by their provisions. The Court of Appeal held that images so held (in digital form) on a computer connected to the Internet should be treated as `copies of photographs' and their being made available for access by other computer users should count as their being `distributed or shown' and that such distribution should count as publication for the purposes of the Obscene Publications Act, in line with an earlier authority which had decided that a person who provided screen images derived from a video tape was found to have acted in contravention of Section 2 of the Obscene Publications Act.

***Regina v Fellows, Regina v Arnold, Court of Appeal, 27 September 1996.***

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