# [NL] Injunction refused over broadcast using hidden-camera footage

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In summary proceedings on 10 November 2016, the District Court of Amsterdam rejected a request to prohibit the Dutch broadcasting association BNN-VARA broadcasting an episode of “Rambam” containing hidden-camera footage from undercover journalists.

As stated on its website, the plaintiff “Dokteronline.com” is an online doctor service that informs consumers about health, symptoms and treatments, and facilitates contact with medical specialists and/or pharmacies. Rambam is a Dutch television programme, broadcasted by BNN-VARA, that investigates consumer issues by means of undercover journalism.

During the episode in question, Rambam aimed to show how the plaintiff allegedly sells prescription drugs to Dutch consumers, without having any fair knowledge of their medical history. Even though this service is legal due to the fact that Dokteronline.com is based in Curacao, it still can be considered controversial by the Dutch public.

In the episode, two undercover journalists flew to Curacao, because one of the journalists successfully applied for a job at the customer service of Dokteronline.com. On her “first day at work” she wore a hidden camera and recorded several conversations with employees of Dokteronline.com. Since the hidden camera footage features employees of Dokteronline.com, the plaintiff argued that broadcasting the episode would violate their employees’ right to privacy.

The Court went on to balance the plaintiffs employees right to private life against BNN-VARA’s right to freedom of expression, and examined the episode with the hidden-camera footage. The faces of the employees were blurred and their voices distorted. During the hearing, BNN-VARA additionally promised to block any footage that still showed names of the plaintiff’s employees.

Considering the above, the Court eventually ruled that the broadcasting of the episode would not constitute a violation of the right to private life and therefore denied the plaintiff’s request to prohibit BNN-VARA from broadcasting the episode.

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***Rechtbank Amsterdam, 10 november 2016, ECLI:NL:RBAMS:2016:7309***

http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2016:7309

*District Court of Amsterdam, 10 November 2016, ECLI:NL:RBAMS:2016:7309*

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