

Exhibit 11

Invasion of Privacy

Can My Neighbor Take Pictures of Me in My Backyard?

The legality of a neighbor taking photos in your yard is complex. Learn how your expectation of privacy and their actions can define your legal options.



LegalClarity Team

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The legality of a neighbor taking pictures of you in your backyard is not straightforward and depends on the specific circumstances. The law attempts to balance a person's right to enjoy their property with another's freedom to photograph from a lawful vantage point.

The Concept of Reasonable Expectation of Privacy

The core legal principle governing this issue is the "reasonable expectation of privacy." This concept determines whether an intrusion is unlawful. In your home and the area immediately surrounding it, you generally have a high expectation of privacy. This protection, however, is not absolute and hinges on the efforts you make to keep an area private.

A backyard completely enclosed by a tall, solid fence creates a strong expectation of privacy. If a neighbor has to use a ladder, drone, or telephoto lens to see over that fence, their photography is more likely to be considered an invasion of privacy. The law protects what an individual tries to shield from public view.

Conversely, if parts of your backyard are easily visible from a neighbor's second-story window or a public sidewalk, your expectation of privacy in those areas is lower. Anything a person can see from a lawful position, they can generally photograph. A front yard open to the street has almost no expectation of privacy, while the interior of your home has the highest.

When Taking Photos Becomes Illegal

The act of taking a photograph can become illegal based on the neighbor's conduct, even if the view is unobstructed. Many jurisdictions have "peeping tom" or voyeurism laws that criminalize spying on someone for illicit purposes, particularly in a private place like a bedroom or bathroom. These laws often define the offense as looking through a window with lewd intent and may explicitly include cameras.

legitimate purpose and causes substantial emotional distress or fear. If the photography is persistent and makes you feel unsafe, it may constitute a criminal act, which requires documenting a series of incidents.

Penalties for voyeurism can be serious, with some jurisdictions classifying it as a felony punishable by up to five years in prison. A conviction for stalking can also result in jail time and fines. The specific charge depends on the neighbor's intent and the impact of their actions on you.

What the Neighbor Does with the Photos

Even if taking the photo was not illegal, what the neighbor does with it can create separate legal problems. Sharing or publishing private images without your consent can lead to a civil lawsuit for "public disclosure of private facts." This claim arises when someone publicizes private information that a reasonable person would find highly offensive and is not of legitimate public concern.

For this claim to succeed, the information must be genuinely private and the disclosure widespread. For example, posting an embarrassing photo taken in your secluded backyard to a public social media page could be actionable. The truth of the information is not a defense, as the harm comes from the unwanted publicity itself.

Using the photographs for other purposes, such as online harassment, blackmail, or extortion, constitutes separate criminal offenses. If a neighbor threatens to release images unless you comply with a demand, they have moved beyond a simple privacy dispute and into criminal territory.

Steps You Can Take to Address the Situation

If you are concerned about a neighbor's photography, there are several steps you can take.

- Start with direct but calm communication. Your neighbor may not realize their actions are causing you distress, and a simple conversation could resolve the issue without further escalation.
- Send a formal cease and desist letter if communication fails. This document should detail the specific harassing behaviors, state the dates of the incidents, and demand that the conduct stop immediately. Send it via a method that provides proof of delivery.
- Contact law enforcement when the behavior persists and causes you to fear for your safety. Provide the police with a log of the incidents, including dates, times, and any evidence you have collected, such as photos or witness statements.
- Consult a civil attorney as a final measure to discuss filing a lawsuit for invasion of privacy or seeking a civil harassment restraining order. To obtain an order, you must present evidence to a judge showing a course of conduct that constitutes harassment.

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Filing a Pothole Injury Claim: What You Need to Know



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Md. Criminal Law Code Ann. § 3-903

*** Current through the end of the 2025 Regular Session of the General Assembly. ***

Michie's™ Annotated Code of Maryland > Criminal Law (Titles 1 — 14) > Title 3. Other Crimes Against the Person. (Subts. 1 — 12) > Subtitle 9. Surveillance and Other Crimes Against Privacy. (§§ 3-901 — 3-907)

§ 3-903. Camera surveillance.

- (a) In this section, “camera” includes any electronic device that can be used surreptitiously to observe an individual.
- (b) This section does not apply to:
- (1) an adult resident of the private residence where a camera is placed;
 - (2) a person who places or procures another to place a camera on real property without the intent to conduct deliberate surreptitious observation of an individual inside the private residence;
 - (3) a person who has obtained the consent of an adult resident, or the adult resident’s legal guardian, to place a camera on real property to conduct deliberate surreptitious observation of an individual inside the private residence;
 - (4) any otherwise lawful observation with a camera conducted by a law enforcement officer while performing official duties;
 - (5) filming conducted by a person by or for the print or broadcast media through use of a camera that is not secreted from view;
 - (6) any part of a private residence used for business purposes, including any part of a private residence used as a family child care home for the care and custody of a child;
 - (7) filming of a private residence by a person through use of a camera that is not located on the real property where the private residence is located; or
 - (8) any otherwise lawful observation with a camera of the common area of multiunit family dwellings by a person that holds a license under Title 13 or Title 19 of the Business Occupations and Professions Article, acting within the scope of the person’s occupation.
- (c) A person may not place or procure another to place a camera on real property where a private residence is located to conduct deliberate surreptitious observation of an individual inside the private residence.
- (d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$2,500 or both.
- (e) Subject to subsection (b)(1) of this section, it is not a defense to a prosecution under this section that the defendant owns the private residence.
- (f) A good faith reliance on a court order is a complete defense to a civil or criminal action brought under this section.
- (g)
- (1) An individual who was observed through the use of a camera in violation of this section has a civil **cause** of action against any person who placed or procured another to place the camera on the real property.

§ 3-903. Camera surveillance.

(2) In an action under this subsection, the court may award damages and reasonable attorney's fees.

(h) This section does not affect any legal or equitable right or remedy otherwise provided by law.

History

An. Code 1957, art. 27, § 579A; [2002, ch. 26, § 2](#); [2004, ch. 361](#); [2012, ch. 66, § 1](#).

Annotations

Notes

Effect of amendments. —

Chapter 361, Acts 2004, effective Oct. 1, 2004, inserted (b)(8); and in (d), substituted "1 year" for "6 months" and "\$2,500" for "\$1,000."

Section 1, ch. 66, Acts 2012, enacted April 10, 2012, and effective from date of enactment, substituted "family child" for "day" in (b)(6).

Research References & Practice Aids

Hierarchy Notes:

[Md. Criminal Law Code Ann.](#)

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Md. Criminal Law Code Ann. § 6-408

*** Current through the end of the 2025 Regular Session of the General Assembly. ***

Michie's™ Annotated Code of Maryland > Criminal Law (Titles 1 — 14) > Title 6. Crimes Against Property. (Subts. 1 — 5) > Subtitle 4. Trespass. (§§ 6-401 — 6-412)

§ 6-408. Entry on property for purpose of invading privacy of occupants.

(a) A person may not enter on the property of another for the purpose of invading the privacy of an occupant of a building or enclosure located on the property by looking into a window, door, or other opening.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

History

An. Code 1957, art. 27, § 577(a)(7), (b); 2002 ch. 26, § 2.

Annotations

Research References & Practice Aids

Hierarchy Notes:

Md. Criminal Law Code Ann.

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