

## ***Human's image and privacy in the media***

### **Abstract**

*"What unites the Czech and French legal regulation of the image and privacy of the human being and how do they differ from each other?"* This is the research question of this thesis. Based on the answer to this question, the thesis further describes whether the Czech legislator can draw inspiration from its French counterpart in this area. In addition, the aim of the thesis is also to evaluate the correctness or incorrectness of the three hypotheses. These are formulated as follows. First, the methods of protection and means of legal defence of natural persons differ in the Czech Republic and France according to the type of media in which the information was published. Second, the French legal regulation sets out the conditions for the capture and sharing of image in greater detail than the Czech one. Thirdly, the Czech legislature has not introduced extensive changes to the legislation in response to the development of the so-called new media.

In the initial chapters, the thesis recalls important historical milestones in the protection of the personality rights, followed by the setting of the issue in the international legal and constitutional framework. The distinction between monistic and pluralistic conceptions of personality right(s) is not omitted. The thesis focuses on the relationship between one's image and their privacy, resulting from the current legislation, as well as the literature and court decisions. It shows that the doctrine has not accepted the formulation (wording) of the relevant provisions of the Civil Code entirely without reservation.

The subject of the following chapters are specific legal regulations of image and privacy. With regard to the topic of the thesis, special space is devoted to the so-called news service licence (media licence) and public figures. The thesis is also interested in the current issue of so-called sharenting, i.e. the sharing of photos of minors by parents. It also deals with the law on commercial use of the likeness of minors, which illustrates the French efforts to regulate the use of one's image for commercial purposes and one of the many differences between Czech and French law.

The thesis concludes that the options of legal defence of individuals against interference with their image or privacy do indeed differ, depending on where the interference took place. The Czech legal regulation is more specific and detailed with regard to a human's image. The currently effective Civil Code has expanded the

possibilities of applying the so-called news service (media) licence, but further reflection on new media in the legal system would be appropriate.

**Keywords**

Human's image, natural person's privacy, personality rights in the media