



## Article 8: Respect for your private and family life

### Article 8 protects your right to respect for your private and family life

Article 8 protects your right to respect for your private life, your family life, your home and your correspondence (letters, telephone calls and emails, for example).

#### What is meant by private life?

You have the right to live your life privately without government interference.

The courts have interpreted the concept of 'private life' very broadly. It covers things like your right to determine your sexual orientation, your lifestyle, and the way you look and dress. It also includes your right to control who sees and touches your body. For example, this means that public authorities cannot do things like leave you undressed in a busy ward, or take a blood sample without your permission.

The concept of private life also covers your right to develop your personal identity and to forge friendships and other relationships. This includes a right to participate in essential economic, social, cultural and leisure activities. In some circumstances, public authorities may need to help you enjoy your right to a private life, including your ability to participate in society.

This right means that the media and others can be prevented from interfering in your life. It also means that personal information about you (including official records, photographs, letters, diaries and medical records) should be kept securely and not shared without your permission, except in certain circumstances.

#### What is meant by family life?

You have the right to enjoy family relationships without interference from government. This includes the right to live with your family and, where this is not possible, the right to regular contact.

'Family life' can include the relationship between an unmarried couple, an adopted child and the adoptive parent, and a foster parent and fostered child.

See also the [right to marry. \(/en/node/907\)](/en/node/907)

## What is meant by home?

The right to respect for your home does not give you a right to housing. It is a right to enjoy your existing home peacefully. This means that public authorities should not stop you entering or living in your home without very good reason, and they should not enter without your permission. This applies whether or not you own your home.

See also the right to [peaceful enjoyment of property \(/en/node/912\)](/en/node/912).

## Are there any restrictions to this right?

There are situations when public authorities can interfere with your right to respect for private and family life, home and correspondence. This is only allowed where the authority can show that its action is lawful, necessary and proportionate in order to:

- protect national security
- protect public safety
- protect the economy
- protect health or morals
- prevent disorder or crime, or
- protect the rights and freedoms of other people.

Action is 'proportionate' when it is appropriate and no more than necessary to address the problem concerned.

## Using this right - example

A physical disabilities team at a local authority decided to use support workers to help service users enjoy social activities, including visits to pubs and clubs. But when a service user asked to be accompanied to a gay pub, the scheme manager refused on the grounds that the support workers were not prepared to attend a gay venue. Recognising the human rights angle, an advocate working on behalf of the service user challenged this decision based on the right to respect for private life.

(Example provided by the British Institute of Human Rights.)

## What the law says

### Article 8: Right to privacy

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

### Example case - Goodwin & I v United Kingdom [2002]

This case heard in the European Court of Human Rights explored issues for transsexual people in relation to their rights to private life and to marry. The judgment was a landmark decision for the treatment of transsexual people, a group which had not been recognised in UK law as:

- their acquired gender
- able to hold a birth certificate showing their acquired gender, and
- able to marry someone of the opposite gender.

The Court ruled that this treatment violated both the right to private life and the right to marry. The UK Government later introduced the Gender Recognition Act 2004, creating a mechanism to enable all these things.

See the publication '[Human rights, human lives: a guide to the Human Rights Act for public authorities \(/en/file/2501/download?token=cX71W4Bx\)](/en/file/2501/download?token=cX71W4Bx)' for more examples and legal case studies that show how human rights work in practice.

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