

The New York Times

This Surveillance Artist Knows How You Got that Perfect Instagram Photo

By Kashmir Hill, September 24, 2022



David Welly Sombra Rodrigues, a 35-year-old French teacher, loves to travel. After the pandemic forced him to offer his language lessons virtually, he seized the moment, relocating from Brazil to Europe, where he could hop on trains to new cities to his heart's delight, all of which he documented on Instagram.

Earlier this month, a photo he took in Ireland for his more than 7,000 Instagram followers went viral. But he didn't realize it until a friend messaged him, pointing him to [a news article](#) about "The Follower," a digital art project that showed just how much can be captured by webcams broadcasting from public spaces — and how surprising it can be for those who are unwittingly filmed by them.

The artist had paired Instagram photos with video footage that showed the process of taking them. The artist had not included the Instagram users' names or handles, but of course Mr. Rodrigues's friends recognized him.

In Mr. Rodrigues's case, a webcam operated by a company called EarthCam caught the effort that had gone into a seemingly casual photo of him leaning against the distinctive bright-red entryway of the Temple Bar in Dublin. He tried a few different angles and poses, did a minor outfit change and eventually added a prop — a pint of pricey beer from the famous pub. Articles about the project incorrectly described the subjects of the piece, including Mr. Rodrigues, who goes by [@avecdavidwelly](#) on Instagram, as influencers with hundreds of thousands of followers. But most of them were just typical social media users, with far smaller audiences.

"I was completely shocked," Mr. Rodrigues said in a Zoom interview. "I wasn't expecting that someone was recording me."

The artist behind "The Follower," Dries Depoorter, said his project demonstrates both the artifice of images on social media and the dangers of increasingly automated forms of surveillance.

"If one person can do this, what can a government do?" Mr. Depoorter, 31, said.

'Live From NYC's Times Square!'

Mr. Depoorter, who is based in Ghent, Belgium, came up with the idea for "The Follower" just over a month ago, while researching privately installed cameras in public places that he might use for a different art project. While watching a live online feed from Times Square, he saw a woman taking pictures of herself for "a long time." Thinking she might be an influencer, he tried to find the product of her extended shoot among Instagram photos recently geo-tagged to Times Square.

He came up empty but that got him thinking.

The 24/7 broadcast that Mr. Depoorter watched — titled “[Live From NYC's Times Square!](#)” — was provided by EarthCam, a New Jersey company that specializes in real-time camera feeds. EarthCam built its network of livestreaming webcams “to transport people to interesting and unique locations around the world that may be difficult or impossible to experience in person,” according to [its website](#). Founded in 1996, EarthCam monetizes the cameras through advertising and licensing of the footage.

Mr. Depoorter realized that he could come up with an automated way to combine these publicly available cameras with the photos that people had posted on Instagram. So, over a two-week period, he collected EarthCam footage broadcast online from Times Square in New York, Wrigley Field in Chicago and the Temple Bar in Dublin.

Rand Hammoud, a campaigner against surveillance at the global human rights organization Access Now, said the project illustrated how often people are unknowingly being filmed by surveillance cameras, and [how easy it has become](#) to stitch those movements together using automated biometric-scanning technologies.

“It’s a dystopian reality that a lot of people don’t realize is now present,” Ms. Hammoud said.

Ms. Hammoud, who is based in Brussels, was troubled most by the broadcasting of people’s activity in public spaces without their knowledge. Ms. Hammoud said EarthCam should reconsider the risks of its livestreaming given the power of publicly available surveillance technologies.

“These cameras no longer serve the purpose that they used to years ago,” Ms. Hammoud said. “People can be tracked.”

EarthCam declined to answer questions about its cameras and the risks they might pose to the privacy of the individuals who are filmed by them in an age of more powerful biometric-tracking technologies. The company’s marketing director, Simon Kerr, said only that Mr. Depoorter had “used EarthCam imagery and video without authorization and such usage is in violation of our copyright.”

Mr. Depoorter said his project is not about the specific companies that enabled it. “It’s not only EarthCam,” he said. “There are many unprotected cameras all over the world.”

Breaking Into Someone’s Privacy

While recording the feeds from EarthCam, Mr. Depoorter simultaneously downloaded public photos from Instagram that users were tagging to those locations.

Instagram [discourages](#) collecting photos en masse from its platform. “Collecting information in an automated way” is a violation of the company’s [terms of use](#) and can get a user banned.

“We’ve reached out to the artist to learn more about this piece and understand his process,” said Thomas Richards, a spokesman for Meta, the company that owns Instagram. “Privacy is a top priority for us, as is protecting people’s information when they share content on our platforms.”

After the data collection from EarthCam and Instagram came the difficult part: finding the right people to needle in the digital haystack.

Mr. Depoorter had previously done [art projects](#) on the surprising gaze of public cameras that had required him to write software to sort through lots of video footage. Last year, he built “[Flemish scrollers](#),” which tagged Belgian politicians on social media when they looked down at their phones during parliamentary sessions that were broadcast live on YouTube. Before that, he had used open surveillance cameras to spot jaywalkers who ignored red lights — stills of which [he sold online](#) for the cost of the fines the miscreants would have incurred if caught.

To search the faces from the Instagram photos in the footage from EarthCam, Mr. Depoorter relied on open-source facial recognition software, code for which can be found on sites like GitHub.

“It’s not perfect,” he said. He had to do an extensive manual review of the suggested matches to find ones that were accurate. As for the handful of people he chose to include in “The Follower,” he wanted a [diverse](#) group, including a couple taking a photo kissing in Dublin, two friends strolling through Times Square and a woman with hundreds of thousands of Instagram followers. Mr. Depoorter did

not reach out to them in advance and said he has not heard from any of them.

Suresh Venkatasubramanian, a former White House tech adviser and professor at Brown University, said he found the project intriguingly “subversive,” in displaying the casual privacy invasions that are possible with modern technology. But he said Mr. Depoorter’s deployment of the surveillance on “random people” was unsettling.

“You don’t break into someone’s house to show them you can break into their house,” Mr. Venkatasubramanian said. “You shouldn’t do it unless they ask you to.”

Mr. Depoorter compiled the Instagram photos and accompanying surveillance footage into a YouTube video, which attracted over 100,000 views before YouTube took it down.

The privacy intrusion wasn’t the cause. EarthCam [claimed ownership](#) over the footage from its cameras, saying the YouTube video violated the company’s copyright.

Mr. Depoorter is trying to figure out how to get the video back up. Lawyers have advised him that his transformation of the surveillance footage, putting AI-powered bounding boxes around people in the short clips and showing the footage in juxtaposition with the Instagram portraits, is a fair use that is legally protected.

A Willing Subject

Mr. Depoorter is based in the European Union, which has robust privacy rules, called the General Data Protection Regulation, to protect citizens’ personal data, including their photos and biometric information. Omer Tene and Gabe Maldoff, privacy lawyers at the law firm Goodwin, said there are exemptions in the law for artistic expression, but that artists still need to be attentive to how the work will affect their subjects.

“I don’t think ‘art’ gives you a free pass,” Mr. Maldoff said.

Mr. Depoorter did not include the names or Instagram handles of the people he included in his project because, he said, he did not want them “to get a lot of messages.”

He declined to identify them for The New York Times, with the exception of Mr. Rodrigues on the condition that The New York Times not write about the Brazilian French teacher without his explicit permission.

Mr. Rodrigues said he did not mind the attention. “I love taking pictures. I love recording videos. I’m not low profile,” he explained.

Mr. Rodrigues has had his Instagram account for a decade. He currently uses it to advertise his business, showing potential customers the experiences that a new language might open to them. He said he didn’t mind being included in Mr. Depoorter’s project, that he was happy for the increased exposure and even posted about it on Instagram, as a “story” that expired after 24 hours.

He was apprehensive about being spied on without his knowledge, but said there could be benefits to showing what Instagram posts can hide.

“In front of the camera, you can lie if you want. That is the point,” Mr. Rodrigues said. “You are not happy but you show you are happy.”

That was not the case for him, however. That day in Dublin, when he visited the Temple Bar with his friends, followed by visits to other pubs — not all documented on Instagram — was “perfect.”