

The Defence and Security Media Advisory Committee
Minutes of a Meeting Held in the Ministry of Defence
At 6pm on Wednesday 12 May 2010

D/DPBAC/3/2/1

The following were present:

Sir Bill Jeffrey, Chairman	Mr S Bucks, Vice-Chairman
Ursula Brennan	Mr J Bishop
Mr R Hannigan	Mr H Carnegie
Mr T Drew (representing Sir David Normington)	Mr E Curran
Mrs M Leslie	Mr R Esser
	Mr J Green
	Mr J Grun
	Mr S Irwin
	Mr M Jermey
	Mr D Jordan
	Mr S Juden
	Mr J MacManus
	Mr R Satchwell
Air Vice-Marshal A Vallance	Secretary
Air Commodore D Adams	Deputy Secretary

1. Apologies: Sir David Normington; Mr J Battle; Mr D-J Collins; Mr J McLellan
2. The Chairman opened the meeting by welcoming the appointment to the DPBAC of Mr D-J Collins (Director Communications & Public Affairs – Europe, Middle East & Africa of Google), Mr Simon Juden (Chief Executive of the Publishers' Association) and Mr Bob Satchwell (Executive Director, The Society of Editors). With the possible exception of local radio, the full range of the UK Media was now represented on the DPBAC.

Agenda Item 1 – Minutes of the Meeting held on 7 May 2008

3. There were no amendments to the minutes of the meeting held on 7 May 2008, which were approved by the Committee as an accurate record.

Agenda Item 2 – Matters Arising from the Previous Meeting

4. Para 13. Special Forces' Public Information Policy. This was to be covered under Item 4 of the Agenda.

5. Para 14: DPBAC Understanding of Information 'Widely Available in the Public Domain'. This was to be covered under Item 5 of the Agenda.

6. Para 15: Review of DA Notice No 5. The revised wording of DA Notice 5 had been approved out of committee and the 'dnotice' website and Aide Memoire had been amended accordingly.

7. Para 16: DPBAC Review of the Conclusions of the Media-Side's 'Blue Skies' Meeting held on 8 November 2007. The actions taken to implement the 'Blue Skies' conclusions approved during the Autumn DPBAC meeting would be covered under Item 3.

Agenda Item 3 – Secretary's Report

8. Day-to-Day Business. The Secretary reported that he had received 145 requests for DA Notice advice since the last DPBAC Meeting. The average of just over 5 per week was closely comparable with recent reporting periods. He had sent out two general letters of advice to editors. One clarified an aspect of Defence Advisory Notice No 5 and the other reminded editors to consider seeking advice when reporting on operational (as opposed to routine) deployments of British forces. Media requests for advice during the period had been focussed on 5 principal areas of defence and security: UK military operations in Iraq and Afghanistan, the Intelligence Agencies, lost classified documents and lap tops, the Special Forces (SF) and defence equipment. During the period the Secretary also provided DA Notice advice on six books. He had continued his programme of lectures and workshops within the media and at schools of journalism and had also advised two research students. The pocket guide to the DA

Notice System had been approved by the Armed Forces and was now being distributed to officers in command in all three services. The conclusions of the Media Side Blue Skies meeting of 8 December 2007 had been largely implemented, including the updating of the 'dnotice' website and the inclusion of three new media members in the DPBAC.

9. Committee Discussion. The Chairman and Vice-Chairman thanked the Secretary for his comprehensive report covering what had clearly been another busy period.

Agenda Item 4 – Special Forces Public Information Policy (SFPIP)

10. 2nd PUS MOD reported that the 'neither confirm nor deny' (NCND) principle remained at the heart of MOD's SF disclosure policy. However, the MOD Press Office was continuing to show flexibility in their dealings with the media on SF matters. It was clear that this remained a very contentious area for the Media, and it was important to develop a better mutual understanding between the Media and MOD on SF disclosure issues.

Agenda Item 5 – Briefing on Future Internet Capabilities by Mr D-J Collins, Google

11. As Mr D-J Collins was due to illness unable to attend, this item was held over until the Spring 2009 meeting.

Agenda Item 6 – Public Domain Information Availability

12. The Chairman apologised for the time it had taken for the Official Side to respond to the Media Side's initiative to define better the understanding of 'widely available in the public domain'. However, it had been a useful process which had resulted in an agreed position across Whitehall. He asked Robert Hannigan to introduce the Cabinet Office paper. The paper argued that a 'case-by-case' approach was still necessary and cited several examples in an attempt to show that a blanket definition would be too restrictive. That was not to say, however, that the Intelligence

Agencies disagreed with the Media Side's proposed definition. The Vice-Chairman said that he was dismayed that the Media Side's proposals had been rebuffed so comprehensively. The underlying reason for defining criteria to help determine whether information was 'widely available in the public domain' was to give more certainty to both sides to avoid any suggestion that the goal posts were being moved. He was also concerned that there was no mention of the internet in the paper. The Committee had to acknowledge the fast-growing influence of the internet if it was to sustain its credibility. All agreed that the Secretary would need a degree of discretion, and be free to offer advice on a case-by-case basis, but the Media Side stressed that self-regulation had to be a two-way process.

13. Concluding the discussion, the Chairman said that, given the ever more complex cases with which the Secretary was faced, there had to be some of agreed in-house guidance for cases in which prior publication or broadcast was an issue. The two papers thus far tabled had approached the issue from parallel directions. The first step in reaching some form of consensus was to identify the points common to both papers. Also, a credible explanation had to be given as to why repetition could so often be damaging. This was a highly complex area which was more than just an issue of 'has it been published before'.

14. The Secretary was tasked with synthesising the two views and producing a paper for consideration at the next meeting. This would give an opportunity for discussion to take place in conjunction with the delayed briefing on internet capabilities from D-J Collins.

ACTION: SECRETARY

Agenda Item 7 - The Official History of the DA-Notice System by Nick Wilkinson

15. The Secretary had circulated a note prior to the meeting to update members on the current situation. The Chairman explained the rationale for deleting the final three chapters which covered the author's own time as DPBAC Secretary. However, to allay concerns that a history published in 2009 that finished in 1997 would appear incomplete, he had written a joint Foreword with the Vice Chairman which covered briefly the intervening period. There were still worries that the book would seem

‘incomplete’. However, it was agreed that its release to the public would present an ideal opportunity to publish articles about the DA-Notice system and explain the Committee’s work in more detail.

Agenda Item 8 – Any Other Business

16. There were two items of other business:

a. Story in *The Independent* of 10 November. The Vice-Chairman expressed concern about an article published in the Independent on 10 November which suggested that the Government was looking to introduce legislation that would prevent the Media from reporting stories deemed to be against the interests of National Security. The Chairman said he was not aware of any such moves and asked Robert Hannigan to comment. The latter confirmed that there were no such moves coming from any level of government. The Media Side were worried that despite these assurances, such stories could disturb the careful balance of the Committee’s work. The Chairman asked Robert Hannigan to convey the DPBAC’s concerns to the Cabinet Office. He, together with the Vice Chairman and the Secretary, were available to brief concerned parties at any stage on how the DA Notice system worked, what it covered and how it handled National Security information disclosure issues.

b. The posting of DPBAC minutes on the DNotice Website. The Secretary proposed that – in addition to those of the most recent DPBAC meeting – minutes of previous meetings should also be displayed on the ‘dnotice’ website. It was agreed that - for reasons of manageability – the minutes of the previous six meetings would be displayed on the website. Copies of the minutes of older meetings would be made available by the Secretary on request.

Closing Remarks

17. The Chairman thanked James Bishop for his enormous contribution to the Committee over many years and wished him well for the future.

Next Meeting

18. The next DPBAC meeting was planned to be held at 1800 on Tuesday 12 May 2009.

{original signed}
Secretary

20 November 2008

Distribution

All Committee Members
'dnotice' Website