

# **The Defence Press and Broadcasting Advisory Committee**

## **Minutes of a Meeting Held in the Ministry of Defence**

**At 6pm on Wednesday 9 May 2012**

D/DPBAC/3/2/1

The following were present:

Ursula Brennan (MOD) Chair	Mr S Bucks, Vice-Chairman
Mr T McKane (MOD)	Ms J Crust
Mr D Wilson	Mr E Curran
(representing Oliver Robbins Cabinet Office)	Mr R Esser
Mary Calam	Mr J Green
(representing Dame Helen Ghosh Home Office)	Mr J Grun
Mr J Sinclair	Mr M Jermey
(representing Mr T Drew, FCO)	Mr D Jordan
	Mr J MacManus
	Mr R Satchwell

Air Vice-Marshal A Vallance	Secretary
Air Commodore D Adams	Deputy Secretary

1. Apologies had been received from Dame Helen Ghosh, Mr T Drew, Mr J McLellan, Mr B McIlheney, Mr P Barron, Mr J Battle, Mr O Robbins, Mr A Qualtrough and Ursula Mackenzie.

2. The Chair opened the meeting by welcoming to the Committee Mr Tom McKane who has replaced Mr Jon Day.

### **Agenda Item 1 – Minutes of the Meeting held on 8 November 2011**

3. There were no amendments to the minutes of the meeting held on 8 November 2011, which were approved by the Committee as an accurate record.

### **Agenda Item 2 – Matters Arising from the Previous Meeting**

4. Para 14: Special Forces Public Information Policy. This would be dealt with under Agenda Item 4.

5. Para 12: Review of DPBAC Administrative and Executive Support Functions. This would be dealt with under Agenda Item 5

### **Agenda Item 3 – Secretary’s Report**

6. Day-to-Day Business. The last 6 months had been a period of low activity in requests for DA Notice advice. A total of 107 enquiries had been received in comparison with the 232 enquiries received for the same period last year (admittedly a record high). The down-turn was most marked in the field of UK military operations and UK military equipment, each of which was the subject of only one and two requests for advice respectively, compared with 71 and 9 respectively for the same period last year. The reasons for this could have been many, setting aside the boost in enquiries as a result of the Libyan operation. Public (and hence media) interest in UK participation in operations in Afghanistan had been falling away, while defence reporting had focused on budget cuts rather than current operations or military capabilities. Also, the media was being notably more cautious during the Leveson Inquiry. Nevertheless, and despite the much reduced activity rate, the prime objective of the DA Notice System, to prevent the inadvertent disclosure of sensitive national security information had continued to be achieved, with no significant breaches of the DA Notice code during the period.

7. DA Notice Letters to Editors The Secretary had issued the following five general ‘advisory’ letters to editors during the period:

- a. 12 January 2012 – Concerning allegations of mistreatment by Binyam Mohamed and the announcement by the Crown Prosecution Service of its investigation into this.
- b. 30 January 2012 – Reporting personal details about Sir Mark Allen and family.
- c. 19 April – Inquiry into the death of Gareth Williams (GCHQ and SIS), and the inadvertent naming of intelligence officer witnesses.
- d. Also on 19 Apr 2012 – Employment Tribunal of Alfred Bacchus (former GCHQ) against GCHQ and the possible inadvertent naming of intelligence officers or disclosure of operational information.
- e. 26 April 2012 – Photography at the Inquest into the Death of Gareth Williams (GCHQ & SIS).

8. Main Areas of Enquiry. Requests by the media and officials for DA Notice advice during the period were focused on 3 principal areas: the

Intelligence Agencies, the Special Forces and Counter-Terrorism. However, the DA Notice System itself attracted an unusual level of interest, in part from the media, but also from certain fringe organisations.

9. The Intelligence Agencies. Despite the general down-turn, media interest in the intelligence agencies had continued at a relatively high level with 50 enquiries during the period covering a wide spectrum of subjects. The continued controversies over alleged SIS and Security Service collusion in extraordinary rendition, the SIS involvement in the repatriation of Abdelhakim Belhadj to Gaddafi's Libya, the prominence of Sir Mark Allen and the opening of the Inquiry into the death of the former SIS/GCHQ officer Gareth Williams, had all attracted a great deal of media coverage. Intelligence agency activities in the Northern Ireland troubles had also continued to attract some media scrutiny. In all cases DA Notice advice had been followed.

10. Special Forces (SF). During the period there were only 14 enquiries for DA Notice advice on SF issues, in comparison with 42 in the same period last year, and 52 during the intervening period. Despite their number and varied nature, reporting on SF issues during the period conformed very largely to DA Notice guidelines, with only a few minor breaches, all of them due to speculative reporting.

11. Counter-Terrorism. The Secretary had received 10 requests for DA Notice advice on counter-terrorism during the period. In the main, these had been concerned with non-SF aspects of the failed Nigerian hostage rescue operation, the Northern Ireland troubles and personal security. In one case an on-the scene report did not follow DA Notice guidance, but in all other cases DA Notice advice had been followed.

12. The DA Notice System. During the last 6 months there had been 18 enquiries about the workings of the DA Notice System: from the media themselves, officials, academics, fringe organisations and members of the public. Many of the latter 2 categories appeared to arise from an assumption that a lack of media reporting about issues that concerned them (e.g. on Muslim demonstrations) was due to DA Notice direction. In each case it had been made clear to those concerned that DA Notice guidance was only offered on issues which fell within the guidelines of the 5 standing DA Notices. Any non-reporting by the media of events outside those guidelines had been solely a result of the editors' choices and had nothing to do with DA Notice guidance. The Secretary had continued to seek wider opportunities to promote a better understanding of the DA Notice System. A short article had been submitted each month for publication in the Society of Editors' 'Monthly Briefing', and an active liaison was maintained with the Deputy Information Commissioner, the Press Complaints Commission, the Press Association and

the Society of Editors. During the last 6 months the Secretary had given 4 lectures/seminars on the DA Notice System to the following audiences:

- a. 31 November 2011 – Briefing to Lincoln University, under the auspices of their School of Journalism.
- b. 7 December 2011 – Briefing to the School of Journalism, Goldsmiths College, University of London.
- c. 6 January 2012 – Briefing to the (book) Publishers Association's Trade Publishers Council.
- d. 6 February 2012 – Seminar on Managing Open Secrets, jointly sponsored by MOD and the University of Warwick.

13. The DA Notice System and Court Rulings. There had been an apparent clash between DA Notice Guidance and court rulings in the Gareth Williams inquest and the Alfred Bacchus Employment Tribunal. The Coroner/Chairman had ruled that certain names could be published when DA Notice advice was that they should not. The Secretary had commented that, clearly, the court rulings took precedence.

14. Other Areas of Enquiry. The period had also included 10 enquiries about issues with little or no relationship to the DA Notice code. These had often been bizarre and sometimes abusive in their nature, and during this period they included accusations that the DA Notice System was 'covering up' UFO activity and colluding with the authorities to deny aid to alleged victims of chemical and biological experiments at Porton Down. In each case these accusations were firmly denied.

15. Books. DA Notice advice had been sought on 3 book manuscripts during the last 6 months. The Secretary's briefing on the 6 January to the Trade Publishers Council (the controlling body of the (book) Publishers Association) covered the DA Notice System and its role in advising on the content of books dealing with national security. It had also explained the new policy guidelines for book clearances which had been coordinated with Army PR and DMC on respective responsibilities between MOD and the DPBAC Secretariat for reviewing books.

16. Committee Discussion. The Chair and Vice-Chairman thanked the Secretary for his comprehensive report. The Chair asked whether there had been any useful read-across from the US approach to managing national security disclosures which had been briefed at the seminar on 6 February (para 11d). It was agreed that the main point of interest was the way in which the US Government used former senior CIA officers as commentators and advisers to those seeking to publish national security material. The Vice-Chair raised the question of conflict with court rulings. The apparent clashes between DA Notice advice and subsequent court rulings should be avoidable

and such incidents risked undermining the DA Notice System. The Committee agreed that the Secretary should, as a first step, discuss the matter with the Treasury Solicitor and Crown Prosecution Service.

**ACTION: The Secretary**

#### **Agenda Item 4 – Special Forces Public Information Policy**

17. The Chair invited Tom McKane to update the Committee on Special Forces' (SF) Public Information Policy. There had been a number of areas of media interest including speculation that SF had been deployed to the Falkland Islands to protect HRH Prince William during his deployment, interest in kidnap rescues and involvement with ISAF SF in Afghanistan. Tom McKane said that the MOD appreciated approaches made by the Media to check on stories. The MOD position was one of "not committed to comment" on SF rather than "no comment". The underlying aims were to:

- protect lives
- protect operational techniques and tactics
- ensure that SF units could deploy effectively
- protect relationships with allies and partners

Leaks from the SF community continued to be a matter of great concern for the MOD.

18. The Chair suggested that the previous 6 months had been a less difficult period for SF disclosure, and she sought Media Side views on this. The Vice-Chair agreed but added that the media would continue to press for more openness. There was a need for the Media and SF to understand each other and perhaps the time had come for another informal meeting for the Committee and DSF. Tom McKane supported this idea. The Chair said that in the past these meetings had provided a useful occasion to explore different perspectives and agreed that this should be taken forward.

**ACTION: The Secretary**

#### **Agenda Item 5 – Review of DPBAC Administrative & Executive Support Functions**

19. At the invitation of the Chair, the Secretary gave the Committee a progress report on the Review of the DPBAC Secretariat. The review had been completed on schedule in mid-December. The underlying reason for the review had been that the current arrangements for the Secretariat were no

longer relevant to the era of the 24 hour news cycle and the rapid spread of web-based journalism. The DA Notice advisers needed to deliver advice to meet 6 key requirements: availability; timeliness; credibility; consistency; independence; and capacity for damage limitation.

20. The existing arrangements met the operational requirements but were unsustainable and non-compliant with employment law; they also lacked depth and resilience. Addressing these deficiencies had involved 4 key questions:

- What could new technology offer?
- How would the requisite coverage be best and most economically achieved?
- Where should the DA Notice advisers be based?
- How could the requisite administrative support be most effectively and economically provided?

21. The Review made a number of recommendations. It had now been accepted that the DPBAC Secretariat should remain in being as the sole source of DA Notice advice but that a third (part time) adviser should be recruited to increase resilience and depth and to comply with Working Time Regulations. It was hoped to advertise the new position by the end of May and to have someone in post by the end of July.

22. The Chair and Vice-Chair thanked the Secretary for a very comprehensive review into the workings of the DA Notice System. The reputation of the System depended on the ability of the Secretariat to form judgements based on a solid depth of experience. The Vice-Chair agreed and added that the need to maintain the Secretariat's independence was key. He urged the need to keep to the recruitment timetable to enable someone to be in post by the end of the summer.

**ACTION: Secretary**

### **Agenda Item 6 – Any Other Business**

23. The Vice-Chair raised the question of whether the composition of the DPBAC Media Side should be reviewed to ensure it accurately represented the overall balances in the UK media. In doing so, he summarised an earlier Media Side discussion. It had been agreed that the Committee would benefit from another member who was a digital expert. Two options seemed to be open: either to fill one of the existing vacancies with a digital expert, or to create an additional post. The Committee agreed that the most favourable option was to create a new post as the existing vacancies already represented important constituencies, and the rapidly increasing importance

of on-line media warranted an extra member with specialist knowledge. The Secretary was tasked to take this forward. It was suggested that the Digital Editors' Network might be a suitable body to nominate a candidate although it would be important to ensure that there would be appropriate accountability through the organisation. For that reason the Secretary should take a broad approach and explore the relative pros and cons of full range of options.

**ACTION: Secretary**

### **Closing Remarks**

24. The Chair recorded the Committee's thanks to Alan Qualtrough, John McLellan and especially to Robin Esser for his very long and distinguished service to the DPBAC. It had been proposed and agreed that a farewell dinner for Robin Esser should be held after the Autumn DPBAC meeting. The Chair also reminded Committee members that the DPBAC Annual Reception would be held in Admiralty House between 6.30 pm and 8.30 pm on Thursday 29 November.

### **Next Meeting**

25. The Autumn DPBAC meeting was planned to be held at 6.00 pm on 1 November 2012, immediately after the Media-side pre-meeting, which would begin at 5.00 pm.

*Andrew Vallance*

Andrew Vallance  
AVM  
Secretary, DPBAC

May 2012

### **Distribution**

All DPBAC Members  
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