

The Defence Press and Broadcasting Advisory Committee

Minutes of a Meeting Held in the Ministry of Defence

At 6pm on Tuesday 7 May 2013

D/DPBAC/3/2/1

The following were present:

Mr Tom McKane (MOD) Acting Chair	Mr S Bucks, Vice-Chairman
Mr D Wilson	Jane Crust
(representing Mr O Robbins Cabinet Office)	Mr J Green
Mary Calam	Mr J Grun
(representing Mr Mark Sedwill Home Office)	Mr M Jermey
Mr L Bristow, FCO	Mr D Jordan
	Ursula Mackenzie
	Mr J MacManus
	Mr R Satchwell
	Mr R Walker

Air Vice-Marshal A Vallance	Secretary
Air Commodore D Adams	First Deputy Secretary
Brigadier Geoffrey Dodds	Second Deputy Secretary

1. Apologies had been received from Mr J Thompson (Chairman), Mr O Robbins (represented by Mr D Wilson), Mr Mark Sedwill (represented by Mary Calam), Mr P Barron, Mr J Battle, Mr E Curran, Mr C Garside, Mr B McIlheney and Mr G Martin

2. The Chair opened the meeting by welcoming to the Committee Mr Mark Sedwill who had replaced Dame Helen Ghosh as the Home Office and Brigadier Geoffrey Dodds who had replaced Commander Roland Woods as the Second Deputy Secretary.

Agenda Item 1 – Minutes of the Meeting held on 1 November 2012

3. There were no amendments to the minutes of the meeting held on 1 November 2012, which were approved by the Committee as an accurate record.

Agenda Item 2 – Matters Arising from the Previous Meeting

4. Para 20-23: Managing National Security Disclosures. This would be dealt with under Agenda Item 3
5. Para 24-25: Special Forces Public Information Policy. This would be dealt with under Agenda Item 4.
6. Para 26-29: Review of DPBAC Administrative and Executive Support Functions. This would be dealt with under Agenda Item 5
7. Para 30: Composition of the DPBAC Media Side. This would be dealt with under Agenda Item 6
8. Para 31: MOD Green Book: This would be dealt with under Agenda Item 3

Agenda Item 3 – Secretary's Report

9. Day-to-Day Business. During the last 6-month period the Secretariat had received 79 enquiries and requests for DA Notice advice, averaging 3 per week. Although this was higher than the unprecedentedly low level of enquiries during the preceding period, it was nevertheless significantly below the historical mean. The underlying situation was one of unpredictability.
10. DA Notice 'Advisory' Letters to Editors. The Secretariat sent out only two of the so-called 'Advisories' during this reporting period, the same number as for the preceding period. The first was on 29 November 2012 reminding editors of the terms of DA Notice 5 prior to the Appeal Hearing of Sgt Danny Nightingale, a member of the SAS. The second was on 3 February 2013 reminding editors of the terms of DA Notice 5 concerning a new Security Service Senior Appointment.
11. Main Areas of Enquiry. Requests by the media and officials for DA Notice advice during the period had been focussed on 3 principal areas: the Intelligence Agencies, the Special Forces and the DA Notice System itself.
12. The Intelligence Agencies. Media interest in the Intelligence Agencies continued, but at a much reduced level than in the previous period. Some 25 requests had been received in the last 6 months, about the same number as in the preceding period. These mainly concerned issues of public 'naming' of intelligence officers, in part stimulated by the impending appointment of a new Director General of the Security Service MI5. In such cases, it was always natural for journalists to take an interest in the possible contenders.

13. Special Forces (SF). During the period there were 17 enquiries for DA Notice advice on SF issues, nearly twice that for the preceding period but still low by historical standards. These included the case of SAS soldier Sgt Danny Nightingale who was imprisoned (and later released) for the illegal possession of a weapon and stocks of ammunition.

14. The DA Notice System. During the last 6 months the Secretariat responded to 24 enquiries about the workings of the DA Notice System: from the media themselves, MPs, officials, academics, fringe organisations and members of the public. Several of these enquiries were triggered by concerns from members of the public that the DA Notice System was being used/abused to cover up crimes of paedophilia by senior members of the Government that had been unearthed during Operation Ore and related police activities. The Secretary said we must accept that enquiries about 'D-Notice' involvement in alleged official cover-ups would continue, partly because there were many scurrilous websites alleging (without any evidence) such misdoings and which continued to be believed by some. Another case occurred in March when a member of the public demanded – 'under the Freedom of Information Act' – details of the 'D-Notices' used to prevent media reporting of coastal erosion in East Yorkshire caused by maritime mining for sand and aggregate. He – like all other such complainants - was assured that no such 'D Notices' had been issued nor would they ever be, given the terms of the DA Notice code and our free media.

15. Other Areas of Enquiry. The period included one request for DA Notice advice on military capabilities, 5 on current military operations including 2 which speculated on a UK hostage rescue attempt in Nigeria, one on the death of Pat Finucane during the Northern Ireland troubles, 3 on counter-terrorism, one on the capabilities of the new Astute class submarine and 7 others on miscellaneous topics.

16. The Green Book. The review of the MOD Green Book was concluded in January, when DMC eventually agreed to remove the MOD-proposed sentence obliging correspondents to send books written in the wake of an embed to DMC for review prior to publication. This proposed addition to the declaration form had been a major area of concern for the Society of Editors and Newspaper Society as they saw it as an unacceptable extension of 'censorship' after the period of agreed embed accreditation. Nevertheless, DMC Army PR remains concerned that books could be published containing OPSEC/PERSEC breaches, given the absence of any control (or even oversight) of potential publications. Hence, this is likely to feature as an MOD concern in future reviews.

17. Managing National Security Disclosures. The Secretary had had discussions last year with the Ministry of Justice (MoJ) in an attempt to create some mechanism whereby judges, coroners and chairmen of tribunals could be informed of any DA Notice guidance that had been previously issued in connection with cases they were hearing. Following this initial meeting with the responsible MoJ official, the issue had been brought before the Government Litigators Group (GLG) at its 3-monthly meeting at the end of October. The GLG were already aware of the problem and during the meeting some form of action was decided upon. However, exactly what had still not emerged and despite 2 promptings any firm outcome was still awaited. Action was currently with the Treasury Solicitor. The aim remained to ensure that direction is given to judges/coroners/tribunal chairmen so that they can take into account any DA Notice advice given. The Secretary would continue to press for the establishment of a mechanism to do this.

ACTION: The Secretary

18. Promotion of the DA Notice System. The Secretary continued to place a priority on doing all he could to promote a better understanding of the DA Notice System., including submitting regular articles for publication in the Society of Editors' 'Monthly Briefing', and giving lectures or attending seminars at a number of Schools of Journalism.

19. Books. DA Notice advice was sought on 2 book manuscripts during the last 6 months, (c.f. 6 for the preceding period) namely:

- a. '*Shadow Troop*' by Simon Cursey
- b. An (as yet) untitled book on Northern Ireland by General Chip Chapman

20. News Monitoring. The Secretariat continued to update its methods of news monitoring to ensure optimum coverage of the 24 hour news cycle and Social Media.

21. Discussion. The Chairman thanked the Secretary for his comprehensive report. There followed some discussion about the Sgt Nightingale case. The Vice Chairman said that the Deputy Secretary who was on duty at the time had given correct advice to the Sunday Telegraph that under the terms of DA Notice 5 Sgt Nightingale should not be named. The Sunday Telegraph had considered the advice and rejected it (as they were entitled to do) given the public interest aspects of the story and the fact that they understood that Sgt Nightingale wanted to be named. However, the following week the Sunday Telegraph had published an editorial suggesting that the MOD had tried to suppress the story by using a DA Notice. The Vice Chairman said he was concerned that the Sunday Telegraph felt that some form of pressure had

been applied and wondered whether or not there was a case to adjust DA Notice 5 to give the Secretariat a degree of flexibility where naming a member of the SF could be considered to be in the public interest. The view from the Official Side and from the Secretariat was that there was already a degree of flexibility and that, in any case, it was not for the Secretariat to make judgements on public interest. Nevertheless, the feeling on the Media Side was that it would be worth considering the wording and context of DA Notice 5 where it applied to the naming of personnel. There was some concern on the Official Side that this could set unhelpful precedents and that the Nightingale case was not sufficient grounds to consider such a change. In summing up, the Chairman acknowledged the concerns expressed by both sides and asked the Secretary to consult on the wording of DA Notice 5 and the possible need for further guidance to the Secretariat in its application, and to give considered views at the next meeting.

ACTION: The Secretary

Agenda Item 4 – Special Forces Public Information Policy

22. The Chairman invited Darragh McElroy (MOD DMC) to update the Committee on Special Forces' (SF) Public Information Policy. Darragh McElroy said that it had been a good six months and that the Press Office was pleased with the way things were going. He asked journalists to give as much notice as possible about a story to allow for research and the possibility of a more helpful response.

23. Discussion. The Vice Chairman said that engagement between the Media and SF was hard and did not seem to be getting any easier. The Secretary said that he had had a meeting with COS DSF in February to try and find a way forward. The key issue of concern for the Media Side remained unresolved: most SF stories in the media come from leaks within the SF community. COS DSF understood DPBAC concerns. There was an ongoing discussion in the HQ on how best to counter leaks. However, the issue of an improved dialogue between the DPBAC and DSF seemed to be stalled. The Vice Chairman reiterated the benefits to both sides if there was more engagement. The Chairman asked the Secretary to continue his efforts to develop some form of positive engagement and to report back at the next meeting.

ACTION: The Secretary

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

24. The Chairman invited the Secretary to give an update on progress with implementing the findings of the Review of DPBAC Administrative & Executive Support Functions. The review completed in December 2012 identified the need to establish a second part-time Second Deputy Secretary post and to institute a weekly duty shift system to ensure robust DA Notice adviser coverage. It also highlighted the need for better IT and some changes to existing contractual arrangements. The new team member recruited last October had resigned only six weeks later and had been replaced in January by Brigadier Geoffrey Dodds. Despite this minor setback the new system was now working well.

25. Further detailed changes emerging from the Review were now in the process of being implemented. These included:

- Creation of a 'cloud' system to improve information sharing within the Secretariat had been achieved by the adoption of Microsoft Office 365.
- Acquisition of *IPADs* or equivalent tablet devices to assist adviser responsiveness had been agreed by the budget holder and was now underway.
- Acquisition of a second stand-alone PC was being considered by the budget holder for use by the PA to update the various DA Notice data bases and to have access to the Office 365 Team Site.
- Now that Geoffrey Dodds has settled into the job of Second Deputy Secretary, renegotiation and realignment of the existing contracts of the Secretary and First Deputy would begin shortly.

Agenda Item 6 – Composition of the DPBAC Media Side

26. The Secretary had circulated a paper on the case for adding a further internet/digital member to the Committee. In summarising the main points, he said that an increase in digital expertise was called for in terms of evolving business volumes and for presentational and practical reasons. An obvious area to be strengthened was that of on-line news creation and dissemination, either through an individual on-line news outlet or a professional/trade media association. The paper concluded that the association of On-line Publishers (AOP) was a possibility but that there was in fact no clear cut preferred option.

27. The Vice Chairman said that AOP was more interested in commercial aspects of on-line operations and there was not much enthusiasm on the Media Side for this solution. It was important that the Committee continued to look relevant as well as being relevant. To this end the answer was to choose as the next new member someone with specific digital expertise. At the same time the Secretary should consider taking steps to reach out to on-line digital organisations. At present, none of these received DA Notice Advisories. It was felt that most would respond positively particularly if it was made clear not only what the Committee was about but more importantly what it was not. It was agreed that whilst Social Media organisations were important they would be unlikely to respond to an approach as they did not see themselves as news purveyors. There was some discussion about approaches to the blogging community but it was accepted that this was a difficult area. Some might be responsive but the majority almost certainly not. It was suggested that the Secretary should start with approaches to the largest exclusive digital news providers.

28. In summing up the discussion the Chairman said it was agreed that, rather than pursue any of the options set out in the paper, at the next turnover of members of the media side of the Committee, every effort should be made to identify a successor with specific digital expertise. He also asked the Secretary to consult and prepare a list of on-line organisations who might be added to the circulation list for DA Notice Advisories.

ACTION: The Secretary

Agenda Item 7 – Any Other Business

29. National Crime Agency. The Vice Chairman said that he had visited the NCA which would be replacing SOCA later this year. This raised the question of amending the footnote to DA Notice 5 to reflect the change. This was agreed but it must be made quite clear that this only covered national security issues.

ACTION: The Secretary

Closing Remarks

30. The Chairman announced that Ed Curran had indicated that he would like to stand down from the Committee after 9 years. It was hoped that he

would be able to attend the next meeting which would allow the Committee to say farewell at the dinner which followed.

Next Meeting

31. The next DPBAC meeting was planned for 6 pm on Thursday 7 November 2013, immediately after the Media-side pre-meeting, which would begin at 5.00 pm. The main meeting would be followed by the annual dinner at Admiralty House.

Andrew Vallance

Andrew Vallance
AVM
Secretary, DPBAC

May 2013

Distribution

All DPBAC Members
The '*dnotice*' Website