

**THE DEFENCE & SECURITY MEDIA ADVISORY
COMMITTEE**

**MINUTES OF A MEETING HELD IN THE MINISTRY OF
DEFENCE**

AT 6PM ON THURSDAY 7 NOVEMBER 2019

D/DSMA/3/2/1

The following were present:

Mr Dominic Wilson (Chair)	Mr John Battle (ViceChair)
Mr Hamish Falconer (FCO)	Mr Ian Murray (ViceChair)
Mr Paul Wyatt (MOD)	Ms Laura Adams
Mr Rod Latham (Home Office)	Mr David Higgerson
Ms Madeleine Alessandri (Cab Office)	Mr Michael Jermey
	Mr David Jordan
	Mr Charlie Redmayne
	Mr Craig Tregurtha
	Ms Sarah Whitehead
	Mr Robert Winnett

Brigadier Geoffrey Dodds
Air Commodore David Adams

Secretary
First Deputy Secretary

1. There were apologies from Simon Shercliff (FCO) represented by Hamish Falconer, Chloe Squires (Home Office) represented by Rod Latham, Jess Brammer (who has resigned from the committee), Peter Clifton, Joe Fay, Charles Garside, James Green, John McLellan, Owen Meredith and Group Captain John Alexander.
2. The Chairman opened the meeting by welcoming Rod Latham to his first DSMA Committee meeting.

Agenda Item 1 – Minutes of the Meeting held on 16 May 2019

3. The minutes of the meeting were approved by the Committee as an accurate record.

Agenda Item 2 – Matters Arising from the Previous Meeting

4. There were two matters arising from the 16 May meeting:
 - a) Para 14. The DSMA Committee provisionally agreed to an archiving policy that included releasing registered files to TNA; and keeping but not releasing unregistered files. Before confirming this policy, the Committee sought reassurance that it could not be compelled to release unregistered files stored online using software or servers using foreign legislation and that there were no adverse GDPR implications. This would be dealt with under Item 5.
 - b) Para 15. Following the discussion on the archiving policy, the Committee noted that the 1995 decision to release files to TNA had been partially driven by a desire to be more transparent and asked the Secretary to develop some options to address this issue. Two options were specifically raised: the production of an annual report or a more detailed 6-monthly Secretary's report. This would be dealt with under Item 4.

Agenda Item 3 – Secretary's Report

5. Overview. During the last 6-month period, the DSMA secretariat had received 78 inquiries and requests for DSMA Notice advice, a similar number to the previous period (80). The request rate remains some 31% below the historical average (112). Of note, in the wake of the federal police raid on the Australian Broadcasting Corporation (ABC) in early June, the Australian Government requested advice on the *modus operandi* of the UK's DSMA notice system with a view to reinvigorating its similar but now moribund Australian 'D-notice system'.
6. Supplementary DSMA Notices to All Editors. No supplementary DSMA notices were issued during this period.
7. Main Areas of Inquiry. The main areas of Inquiry during the period were:

8.

a. DSMA System Inquiries and Application of DSMA notices. A total of seventeen inquiries included:

i. Separately, the Cabinet Office and the Australian High Commission requested detailed information on the way in which the DSMA notice system worked in practice.

ii. Three journalists inquired about the applicability of the DSMA notice system to members of foreign intelligence agencies. The DSMA notice system only applies to UK organizations.

b. Members of the Public. This period saw a slight increase in the number of inquiries from members of the public. In some cases, letters had been written to MPs and forwarded via the MOD for a response.

i. Soldier F. The secretariat received six requests for information on DSMA notices issued to the media in connection with the historical allegations against 'Soldier F' (Bloody Sunday) and the Rolling Thunder protests in support of his case. In addition, the MOD Communications directorate received 7 items of ministerial correspondence during the same period. DSMA notices had not been issued but the protesters were clearly dismayed that their actions had produced only a few column inches in the print and online media and nothing on the broadcast media.

ii. Gilets Jaunes. The secretariat received four requests for information on DSMA notices issued to the media in connection with the UK's media reporting on the activities of the Gilets Jaunes in France. Behind these questions was a sense that the UK Government was concerned that publication or broadcast of such activity in France could cause similar events in the UK. Civil protest at home or abroad falls outside the ambit of the DSMA notice system. No such DSMA supplementary notice had been issued.

c. Special Forces. The majority of Special Forces Inquiries had been made in connection with books.

d. Intelligence Agencies. The period had seen a much-reduced number of requests for advice on the intelligence agencies.

9. Contacts with Social Media platforms and Digital outlets. The Secretary reported that his efforts to engage with Facebook had come to nothing and that the member of the Committee from Huffington Post had resigned. In discussion, it was agreed that while social media organisations held fast to being platforms rather than publishers it would be difficult to get them to engage. They would also be waiting to see how the regulatory landscape developed. Nevertheless, the Committee felt that the Secretary should keep up the pressure (perhaps in liaison with DCMS). It was suggested that Twitter and MSN should be approached. Also, the Committee felt that it would be worth trying to get Huffington Post to appoint another member.

Action: The Secretary

10. The Committee thanked the Secretary for his comprehensive report. There followed some discussion as to its format which was taken forward under Item 4.

Agenda Item 4 – Increasing transparency of the Committee’s work

11. The Chairman asked the Secretary to introduce this item. The Secretary said that he was confident that the Committee’s work had a high level of transparency consistent with maintaining confidentiality of exchanges with the media; but that there was always room for improvement. The discussion centred on the format of the Secretary’s 6-monthly report and whether there was scope for a formal annual report to be published in full on the DSMA website. It was agreed that the production of an annual report on top of the 6-monthly reports produced for the Committee meetings would be an additional burden on the Secretariat; and that this should be avoided if possible. It was further agreed that the format of the existing 6-monthly reports could be modified so that they could be published in full as part of the minutes. The Chairman invited members to review the recent 6-monthly report and comment

on how, if necessary, the format could be restructured with a view to it being published in full alongside the minutes.

Action: All Committee members

12. Other points raised were the Committee's social media presence, the policy for the retention of unregistered files, an option to include an interactive facility on the DSMA website and finally the opportunity of issuing a press release to summarize the Committee's activity over the previous reporting period. The Secretary stressed the need for the Committee to have access to all unregistered files in the future because they would likely be needed during any future formal review or national inquiry (such as the recent contribution to the IICSA).
13. It was agreed that:
 - a. The current passive social media presence would be maintained.
 - b. Unregistered files would be kept indefinitely.
 - c. The website does not require an interactive facility.
 - d. No decision was taken on the use of a press release.

Agenda Item 5 – Security of the Committee's online data

14. The Chairman asked the Secretary to introduce this item. The Secretary advised that:
 - a. DSMA Microsoft Exchange data, hitherto stored in Ireland and the Netherlands had recently been moved to data storage centres in the UK. All DSMA Committee electronic and physical data was now stored in the UK.
 - b. An MOD Legal Team has advised that Disclosure legislation in the EU and the USA is similar to that in the UK. It is therefore unlikely that disclosure of DSMA Committee information could be forced through a disclosure order. However, there does remain a remote possibility that some other nations' data storage

legislation could lead to 3rd parties attempting to access the Committee's data.

15. The Committee should be particularly aware of the constantly increasing cyber threat and the corresponding increased threat to the Committee's data from hackers. The risk could be mitigated by the use of customer-side encryption prior to archiving the data. The Committee tasked the Secretary to investigate the use of customer-side encryption and directed him to seek advice from NCSC.

Action: The Secretary

16. An MOD Data Protection team has confirmed that the DSMA Committee is not subject to the Freedom of Information Acts but is required to comply with GDPR. It also advised that the secretariat uses practices that are compliant with GDPR but with one exception: that the Committee will need to determine a retention policy for the Committee's unregistered files. The matter was raised under item 4 earlier in the meeting when the Committee agreed to retain unregistered files indefinitely.
17. While noting that it was impossible to achieve absolute data security and subject to advice from NCSC on customer-side encryption, he could reassure the Committee that its data was stored securely.

Agenda Item 6 – Incorporating the cyber threat into the DSMA notice system

18. The Chairman asked the Secretary to introduce this item. The Secretary said that he was chairing a small sub-committee involving the MOD, the Home Office and the FCO to see how the DSMA notices might be amended to incorporate cyber operations. He aimed to have a coherent official-side proposal by the end of the year at which point it would be circulated to the Committee. The Media Side Chairman expressed some dismay that the Media Side had not been include in these deliberations from the start. Nevertheless, the Committee welcomed the initiative and looked forward to receiving the draft proposals in due course.

Agenda Item 7 – Any other business

19. There were no formal items of other business.
20. The Chairman reminded the Committee that the annual DSMA reception, would be held in Admiralty House on the evening of Thursday 26th March 2020, emphasising that this was a good opportunity for the Committee to host senior and junior members from both the Government and the UK media to engender confidence and transparency in the DSMA notice system.

Agenda Item 8 – Next meeting

21. The next DSMA Committee meeting was planned to take place at 6pm on Thursday 14 May 2020 in MOD Main Building. It would be preceded immediately by the Media-side pre-meeting, which would begin as usual at 5pm.

Geoffrey Dodds
Brigadier
Secretary
Defence and Security Media Advisory Committee 3 December
2019

Distribution

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