

DEFENCE, PRESS AND BROADCASTING ADVISORY COMMITTEE

RECORD OF A MEETING HELD IN THE MINISTRY OF DEFENCE AT 6 PM ON THURSDAY 27 MAY 2004

1. The following were present:

Sir Kevin Tebbit, Chairman	Mr R Hutchinson, Vice-Chairman
Mr I Andrews	Mr J Bishop
Mr W Ehrman	Mr S Bucks
Mr J Gieve	Mr E Curran
Sir David Omand	Mr R Esser
	Ms D Fitzsimons
	Mr J Grun
	Mr C Jones
	Mr S Whittle
	Mr W Wilson
Rear Admiral N Wilkinson	- Secretary
Captain N Hodgson	- Deputy Secretary

2. Apologies: Mr G Brock, Mr A Jaspán, Mr C Roycroft-Davis.

3. The Chairman welcomed Ed Curran (Editor, Belfast Telegraph, representing the Newspaper Society) and Clive Jones (Director News ITV, representing ITV) to their first meeting.

Agenda Item 1 – Minutes of Meeting held 13 January 2004.

4. There were no amendments.

Agenda Item 2 – Matters Arising from Previous Meeting

5. Annual Reception. The Committee asked the Secretary to arrange a further reception in October/November, with the same aim as before, namely enabling younger journalists to learn more about the work of the Committee, and providing an opportunity for editors and journalists specialising in National Security to talk informally with the Committee and Agency/SF representatives.

6. Legal Liability. The Secretary reported that he awaited advice from the Treasury Solicitor about the potential legal liability of himself and the Committee. He had given three hypothetical scenarios where a member of the public might claim that his/her personal security had been seriously endangered by the Secretary either failing to pass on information received from the public, or giving inappropriate advice to the media. The risk was not considered high, but the Secretary would pass the legal opinion to members of the Committee as soon as it was received, for discussion at the next meeting.

Agenda Item 3 – Secretary's Report

7. The Secretary reported a relatively quiet four months, with mostly routine activity of the type outlined at previous meetings. Examples included leaked stories of alleged SF operations in Iraq, which the Secretary had been able to tell the media were untrue and were therefore not published. There had also been a flurry of activity prior to the appointment of the new Head of the SIS, which had mainly involved advising that photographs held by the media of an internal candidate should not be published; the Secretary commented that, had the successful candidate not been for the first time already a public figure, it might have been impossible now to persuade the media not to publish recent photographs of the Head of the SIS, and that this situation would recur when a new appointment was made in a few years time. The FCO recorded its appreciation of the media discretion, and hoped that they would continue to respect the well-known reasons for not revealing the identities of secret intelligence and security personnel.

8. The Secretary reported that he had been asked for advice by independent television programme makers on possible programmes concerning the Chinook crash controversy and events surrounding the death of Dr Kelly, and that the companies were content to accept his advice. In discussion it was suggested that these kinds of documentary programmes, especially those concerning terrorist catastrophes, might contain scenarios or details which would be helpful to terrorists, particularly if they revealed weaknesses in security measures. It was agreed that, although such programme makers frequently consulted the authorities or the DA-Notice Secretary and received advice, this was nevertheless an area that had not directly been considered when the standing DA-Notices were revised in 2000. The Secretary was therefore asked to propose an amendment to the DA-Notices, specifically drawing attention to the need to seek advice about publication of matters concerning the critical infrastructure of the nation.

9. The Secretary reported that he had briefed more undergraduates and post-graduates on the DPBAC system and on National Security, in the Schools of Journalism at three Universities. These visits continued to be well attended and welcomed, and, as the word spread, additional universities were asking him to visit.

10. The Secretary reported that he had been consulted about seven books. One by an ex-SF author was fictional, but such fiction nevertheless still excited official attention, and publishers were becoming less willing to consult on such fiction. Another author, writing a book about official secrecy, had asked the Secretary to provide the information for a short chapter on the DPBAC. The remainder of the books were historical, covering WWII diaries, the Aden insurgency, Northern Ireland, Sierra Leone, and London Underground's secret places. The Secretary had not had to advise omission of more than a few details in any of these books.

11. The Secretary said that he had been asked to give evidence to the Intelligence and Security Committee as part of their study into the relationship between the Agencies and the media.

12. The Secretary reported that he had been taking steps to ensure that the DPBAC concept of National Security was consistent with that which would be used by the Information Commissioner when the FOIA came fully into force in January 2005. Recent discussion with his staff had confirmed this was so, although staffing with DCA and the Cabinet Office on National Security aspects was ongoing.

Agenda Item 4 – SF PI Policy

13. MOD reported that it had now completed its review of Special Forces Public Information policy. The policy announced in 1996 would remain unchanged, but the way in which it was implemented in practice would change. The Director of News and the Chief Press Officer would be authorised at their discretion to engage in dialogue with journalists on SF matters (a fuller account of the MOD position is at Annex A).

14. It was hoped that MOD would be given credit for moving a significant way to meeting the media concerns, which were well understood, and that similarly the media would understand the security rationale behind the MOD position. It would be necessary gradually to build up confidence and trust in the new arrangements, and the spirit intended relied equally on journalists not damaging MOD confidence.

15. In discussion, it was confirmed that these new arrangements would come into force immediately, and that they would be publicised on the DPBAC website in the record of the meeting, and by Sec/DPBAC and MOD Press Office in response to known media interest. It was also confirmed that Sec/DBPAC would continue to be involved in SF matters, but in giving advice about publication of operational and personal security matters rather than, as had recently been de facto sometimes the case, in providing information, which now would be at the discretion of the MOD Press Office nominated points of contact.

16. The Media Side of the Committee warmly welcomed the change in SF PI practice, albeit with some concerns about how it would work in reality. The MOD view was that it was difficult to discuss hypothetical scenarios, since each case would be dealt with, on or off the record, according to the discretion of those nominated. There would still be circumstances in which no comment was appropriate, but the reasons why would be explained on such occasions in general terms. There would also be occasions when past operations could still not be fully discussed because of the security implications for future operations. Where SF were serving in overt roles, the new arrangements would help distinguish between SF and conventional information. It was agreed that the new arrangements would be monitored at future meetings.

17. MOD raised a new official concern, namely the use of ex-SF insiders in entertainment programmes. There was a danger that SF techniques could thus be revealed, and MOD wondered whether this growing problem could be looked at by the Committee. The Media Side response was that there could be no mandatory prior submission of programmes, nor was enforcement of SF contracts a concern of

programme-makers, but that, if MOD wished to raise specific concerns, these could be looked at.

Agenda Item 5 – Any Other Business

18. The Secretary informed the Committee that his office would be moved in late July back to the refurbished MOD Main Building. The open competition recruitment process for his successor, due to join in November, was about to start, and it was hoped that he/she would also attend the next DPBAC meeting.

Agenda Item 6 -Next Meeting

19. The Chairman asked the Secretary to arrange the next meeting in early November.

2 June 2004

Secretary