

THE DEFENCE PRESS AND BROADCASTING ADVISORY COMMITTEE

**MINUTES OF A MEETING HELD IN THE MINISTRY OF DEFENCE
AT 6PM ON WEDNESDAY 18 NOVEMBER 2009**

The following were present:

Sir Bill Jeffrey, Chairman
Ursula Brennan
Mr R Raine (representing
Sir David Normington)
Ms L Proudlove
(representing Robert Hannigan)
Mariot Leslie

Mr S Bucks, Vice-Chairman
Mr J Battle
Mr P Barron
Mr H Carnegie
Mr E Curran
Mr J Green
Mr J Grun
Mr M Jermey
Mr D Jordan
Mr S Juden
Mr J McLellan
Mr R Satchwell
Mr E Verdon-Roe

Air Vice-Marshal A Vallance
Air Commodore D Adams

Secretary
Deputy Secretary

1. Apologies: Sir David Normington; Mr R Hannigan; Mr R Esser; Mr J MacManus and Mr P Horrocks
2. The Chairman opened the meeting by welcoming Mr Eric Verdon-Roe, Acting Chief Executive of the Periodical Publishers, Mr Robert Raine and Ms Louise Proudlove.

Agenda Item 1 – Minutes of the Meeting held on 12 May 2009

3. There were no amendments to the minutes of the meeting held on 12 May 2009, which were approved by the Committee as an accurate record.

Agenda Item 2 – Matters Arising from the Previous Meeting

4. Para 10. Public Domain Information Availability. This was to be covered under Item 4 of the Agenda.
5. Para 12: Special Forces Public Information Policy Update. This was to be covered under Item 5 of the Agenda.
6. Para 14: The Posting of DPBAC Minutes on the DA-Notice Website. This was to be covered under Item 6 of the Agenda.

Agenda Item 3 – Secretary’s Report

7. Day-to-Day Business. The Secretary reported that he had received 152 requests for DA Notice advice since the last DPBAC Meeting. The average of 5.8 per week was significantly greater than recent reporting periods. The main areas of interest were the Special Forces, defence equipment, the intelligence agencies and personnel security. There had been relatively few requests for DA Notice guidance on the conduct of current British military operations, mainly because media coverage had in the period focused on areas outside the DA Notice guidelines. During the period the Secretary had sent out 4 general letters of advice to editors, three relating to DA Notice No 5 and one to DA Notice No 1. He had also written to the Editor of a leading tabloid to point out a breach of DA Notice guidance, and the Deputy Secretary had written to the Editor of a leading magazine with regard to an article on their website. During the reporting period the Secretary also provided DA Notice advice on 6 books. He had continued his programme of lectures and workshops within the media and the Armed Forces and at University schools of journalism.

8. Sensitive information and the internet. The Secretary highlighted two cases which showed the formidable difficulties of withdrawing sensitive information once it has been inadvertently published on the web. In one case, the editor of a leading newspaper had agreed to remove the article from the newspaper’s website which breached DA Notice guidance, but nothing could be done about the numerous third party websites and blogs (several hosted offshore) which had picked up and republished the original article. Subsequently, the Secretary had explored what action might be technically possible if highly sensitive and directly life-threatening national security information was inadvertently published on the internet. Clearly, in addition to what might be technically possible, very important policy issues were involved in this. The Secretary outlined to the Committee the considerations involved and the possible options for taking this work forward.

9. The Parliamentary Intelligence and Security Committee (ISC). The Secretary recalled ISC concerns about the nature and operation of the DA Notice system. He stressed the need to hold firm to the principle of guided and voluntary self-regulation on which the DA Notice system was founded; this was the only sound approach to national security disclosure in the multi-media age. However, the Secretary argued that the ISC concerns would need to be properly addressed and concrete responses provided. As the first step in preparing for this, the Secretary sought the Committee’s agreement to draft an outline paper proposing how to examine the equivalent arrangements in certain other selected countries. The intention here would be twofold. Firstly, to verify the view that there was no realistic alternative in the multi-media age to the approach on which the DA Notice system was founded. Secondly, it would help to assess whether processes used by other countries had relevance to our System, and - if so – how they might be used to refine or improve it in some way. The Secretary said that – subject to the Committee’s

approval - he would like to circulate an outline paper for its consideration, hopefully before Christmas.

10. Committee Discussion. The Chairman and Vice-Chairman thanked the Secretary for his comprehensive report covering another busy period.

a. The Internet

The Committee discussed at some length the question of inadvertent publication of highly sensitive information on the internet. It was agreed that this was a serious issue and that options for dealing with it needed to be explored. A point of key importance agreed by all was need to secure the agreement of the original publisher before any form of 'take-down' action was initiated. However, in cases of dire and immediate concern for national security and human life, it was likely that the government department most concerned would intervene directly either through the editor/publisher and/or with search engine operators. In some cases there could be a legal dimension, which would make DA Notice System involvement inappropriate. It was also noted in such cases that premature or ill-considered action could be highly counter-productive. After further discussion, it was agreed that at this point, the issue should not be taken forward. Summing up, the Chairman said that it would be best to wait until the DA Notice System had been tested by a hard case of this type so that the complexities involved could be better understood before taking the issue further. This was agreed.

b. The ISC

The Committee agreed that it must be prepared to respond constructively to ISC concerns. The Media-Side Chairman emphasised that whilst acknowledging the ISC's concerns, the DPBAC should stand firm that in the great majority of cases the system worked very well. The Chairman agreed and said that in any case he doubted that a workable middle ground could be found between a purely voluntary system and one that involved compulsion or obligation. It was agreed that the Secretary should go ahead with his proposed paper. To aid this research, the Media-Side Chairman encouraged the Media Side to contact overseas colleagues to seek anecdotal evidence about other systems. In addition, Mariot Leslie said that the FCO would help with more formal approaches seeking advice from relevant British overseas missions.

ACTION: The Secretary

Agenda Item 4 – Public Domain Information Availability

11. The final draft of the DPBAC policy paper had been approved at the Spring DPBAC meeting. Subsequent action had been centred on agreeing a form of words to announce this important development to the public. The latest draft (circulated prior to the meeting) of the announcement had been approved by the Media Side Chairman and by the Cabinet office on behalf of the Official Side. In introducing the discussion, the Chairman said that the

proposed form of words observed the principle that prior publication does not conclusively establish that information can be repeated. There was some concern on the Media Side that much depended on the interpretation. If taken too literally this could be unhelpful rather than helpful and there was a risk that journalists would stop taking the system seriously. The Chairman acknowledged this point and said that the Committee would need to rely on the Secretary to use his judgement and commonsense. The guidelines would work well if handled sensibly. The Chairman said that the Committee should return to the issue if the new guidelines caused confusion. To this end he instructed the Secretary to provide a review at a future meeting. It was agreed that the announcement would be posted on the website.

ACTION: The Secretary

Agenda Item 5 – Special Forces Public Information Policy Update

12. The Secretary explained that further discussions between the Media Side and the Directorate of Special Forces (DSF) had been put on hold pending the outcome of the MOD's Disclosure Policy Review. Ursula Brennan said that the Review should be completed by early December, and she was hoping that DSF would be able to offer a special visit for the DPBAC before Christmas. The Media Side were grateful for the progress that had been made and welcomed the idea of a special visit. However, the Media-Side Chairman said that time was too short to expect a good attendance this side of Christmas and asked that as much notice as possible be given. January would be a better time.

ACTION: Ursula Brennan

Agenda Item 6 – The Posting of DPBAC Minutes on the DA-Notice Website

13. The Secretary said that following the decision at the last meeting he had posted minutes back to 5 December 2000. The minutes prior to that had privacy or classified markings which would lead to much extra work if they were to be put in the public domain. However, the period up to 1999 had been well covered in the Official History and could be made available to researchers on a case by case basis. It was agreed that a note should be added to the website pointing this out and saying that earlier minutes were available through the Secretary if required.

ACTION: The Secretary

Agenda Item 7 – Any Other Business

14. No additional business was raised.

Closing Remarks

15. The Chairman recorded the Committee's thanks to Jonathan Shephard (not present), Chief Executive of the Periodical Publishers Association who had left his post on the Committee.

Next Meeting

16. The next DPBAC meeting was planned to be held at 1800 on Thursday 6 May 2010. (It was noted that this was a possible date for the General Election in which case the meeting would need to be changed.)

Andrew Vallance
AVM
Secretary, DPBAC

20 November 2009

Distribution

All Committee Members
The 'dnotice' Website