

THE DEFENCE PRESS AND BROADCASTING ADVISORY COMMITTEE

MINUTES OF A MEETING HELD IN THE MINISTRY OF DEFENCE
AT 6PM ON TUESDAY 9 NOVEMBER 2010

The following were present:

Ursula Brennan, Chairman	Mr S Bucks, Vice-Chairman
Mr T Drew (representing Sir David Normington)	Mr P Barron
Mr C Martin (representing Mr O Robbins)	Mr H Carnegy
	Mr E Curran
	Mr R Esser
	Mr J Grun
	Mr M Jermey
	Mr D Jordan
	Mr J MacManus
	Mr B McIlheney
	Mr J McLellan
	Mr A Qualtrough
	Mr R Satchwell

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

In Attendance:

Mr J Toker (Cabinet Office) (Item 3)
Mr N Pett (MOD Press Office)

1. Apologies: Sir David Normington; Mr J Battle; Mr T Dowse; Mr J Green; Ursula Mackenzie; Mr O Robbins.

2. The Chairman opened the meeting by welcoming to the Committee Mr Alan Qualtrough of the Western Morning News (replacing Mr Paul Horrocks). There were two other new members neither of whom was able to attend this meeting:

- Oliver Robbins – Deputy National Security Adviser for Security, Intelligence and Resilience representing the Cabinet Office.
- Ursula Mackenzie – CEO and Publisher of the Little Brown Book Group who has taken over from Simon Juden as representative of the (book) Publishers' Association.

Agenda Item 1 – Minutes of the Meeting held on 12 May 2010

3. There were no amendments to the minutes of the meeting held on 12 May 2010, which were approved by the Committee as an accurate record.

Agenda Item 2 – Matters Arising from the Previous Meeting

4. Para 10: The DA Notice System – Difference between privacy and security. This was to be covered under Item 5.

5. Para 13. Disclosure Control Systems of other Nations. This was to be covered under Item 6.

6. Para 15. Public Domain Information Availability. This topic would be covered under Item 7.

7. Para 17: Special Forces Public Information Policy Update. This was to be covered under Item 8.

Agenda Item 3 – Media Response and cooperation in the event of a major terrorist attack in a “crowded place”

8. The Chairman said Cabinet Office and Home Office thinking on how to manage the media aspects of a Mumbai-style terrorist attack had been evolving in recent months and that the Cabinet Office had asked to brief the DPBAC on current thinking. The Chairman introduced John Toker, the Deputy Director of Counter Terrorism and Civil Contingencies in the Cabinet Office who was responsible for coordinating the media response to large scale emergencies.

9. John Toker said that based on the experience of Mumbai there were a number of communication issues to be addressed. Much of the action would almost certainly be played out in public and this could have a serious effect on, for example, hostage negotiations. Mumbai had shown that the terrorists learnt a good deal about what was going on from the internet and TV. The Metropolitan Police and ACPO were considering how best to work with the Media in such a situation. One aspect that would draw in the DPBAC would be the use of Special Forces. John Toker said that as an initial step, he would like to propose that the DPBAC agree to be involved in a projected table-top exercise designed to explore how the media might deal with inputs from citizen journalists, foreign news coverage, and any operational constraints on the security forces that might come to their attention.

10. In discussion, it was agreed that, whilst there would be a role for the DA Notice Secretary, it was less clear that the Committee as a whole had a part to play. It would be better for the Cabinet Office to be talking directly to the Media bearing in mind that the DPBAC remit was quite narrow. The most important thing was the development of clear lines of communication between the Government and the Media, particularly Broadcasters. It was also felt that the Media Emergencies Forum was the most appropriate body to handle these issues. In conclusion, it was agreed that the Secretary should take part in the proposed Table Top exercise but that it should be made absolutely clear what the DPBAC did and what it did not.

ACTION: The Secretary

Agenda Item 4 – Secretary’s Report

11. The Secretary reported that he had received 163 enquiries or requests during the period, averaging nearly 7 per week, a considerable increase on the previous period. Of these enquiries, the largest part concerned the Intelligence Agencies (53), followed by Special Forces (37), current military operations (19 - with a further 2 on equipment), counter-terrorism (18) and the DA Notice System itself (10). The remaining 24 enquiries covered a miscellany of other topics. During the period the Secretary had sent out 4 advisory letters to all UK editors to alert the media to consider seeking DA Notice advice. These covered the Bloody Sunday Inquiry, the Terry Jupp Inquest, the death of Gareth Williams and the publication or broadcast of personal details of the families of Special Forces and Intelligence Agency members. Other main topics during the period were associated with:

- The failed rescue attempt on the UK aid worker Linda Norgrove
- The Special Forces parachute insertion capability
- The GCHQ history by Richard Aldrich
- The inquest into 7/7
- The Channel 4 docudrama ‘*The Taking of Prince Harry*’.
- The Wikileaks Iraq and Afghanistan War Logs revelations.

12. During the period the Secretary provided advice on a total of 11 books, a steadily increasing part of the business. Finally, the period saw sustained activity to promote a better understanding of the DA Notice System, with DPBAC Media-Side visits to GCHQ and the Special Forces at Credenhill. The programme of lectures and seminars within the Media, the Armed Forces and at University Schools of Journalism continued with a further 4 planned for the next few months. The Secretary now contributes a monthly piece on aspects of the DA Notice System to the Society of Editors Monthly Briefing.

Agenda Item 5 – The DA Notice System – Difference between Privacy and Security

13. At the last meeting, following the issues raised by the case of media reporting about Prince William’s house on Anglesey, the Secretary had been tasked to look at how best to make clear the distinction between issues of national security and those of privacy. The Secretary briefed the Committee on his recent contact with the Director of the Press Complaints Commission (PCC), Stephen Abell. It was clear that National Security was (within the bounds of the 5 Standing DA Notices) the business of the DPBAC, whereas privacy issues were in most cases within the province of the PCC. Both the DPBAC and the PCC were vehicles for media self-regulation and had in many respects complimentary functions. However, in the past the two organisations had worked in the main within their own spheres and with only a relatively loose working level connection between the two bodies. The Secretary said that, following his recent discussions with the PCC Director, a closer working level liaison had developed between the two organisations.

14. In cases such as that of Prince William’s Anglesey house, in which national security aspects were at best secondary, the PCC would quite rightly take the lead in advising the media, whether or not the DPBAC were first asked to take action. In other cases, for example the unauthorised disclosure of the name of an individual belonging to the Special Forces, it would fall to the DA Notice Secretariat, whether or not the issue was referred initially to the PCC for action.

15. The Secretary went on to say that he believed that enhanced coordination between the DPBAC and the PCC was in the interests of both bodies and indeed of the media in general. There was scope for further development along these lines. For example, DA Notice 'Advisory' letters to all UK editors were now copied to the PCC. As part of the developing working level relationship between the DPBAC and PCC, the PCC Director had offered to give a short briefing at a future DPBAC meeting on possible areas of enhanced consultation and coordination.

16. In discussion, it was noted that whilst there were similarities between the DPBAC and PCC it was important to maintain a clear distinction. It was also noted that the PCC did not cover broadcasters and that OFCOM did not fulfil the role either. The Committee felt that the level of consultation and coordination outlined by the Secretary should be maintained but were not convinced that a briefing from the Director of the PCC was necessary. DPBAC members already had a very good understanding of the workings of the PCC although it was agreed that it would be useful for the Official Side to be given copies of the Society of Editors Code of Conduct.

ACTION: THE SECRETARY

Agenda Item 6 – Disclosure Control Systems of other Nations

17. At the November 2009 meeting the Secretary had been tasked to examine the national security disclosure control practices of other nations, in cooperation with the FCO and DPBAC media members. A questionnaire had been sent out through the British Missions in 15 countries on 15 February 2010. The results of this survey were set out in the DPBAC draft policy paper distributed to DPBAC Members for comment on 12 October 2010. The Chairman invited the Secretary to summarise the main results of the survey and their relevance to the further development of the DA Notice System.

18. The Secretary said that the results showed that the UK was effectively alone in the World in having a voluntary compact between media and Government which provided guided media self-regulation on the disclosure of sensitive national security information. Other nations surveyed had official secrecy laws and journalists' codes of conduct (as indeed had the UK), but no other country had an established system of standing and transparent guidance.

19. The survey also confirmed that national approaches to these issues were rooted firmly in national political and social cultures, and what worked for us would not necessarily work for others and vice-versa. If the results of the survey were somewhat unsurprising, they did at least show that there was nothing in the approaches of the countries surveyed that seemed applicable to the UK.

20. The Committee thanked the Secretary for a useful and thorough piece of research. As the work had been prompted by questions raised by the Intelligence and Security Committee (ISC) as to the effectiveness of the DPBAC, it would now be important to inform the ISC of the conclusions. It was agreed that, with a newly constituted ISC led by a new chairman, now was the time to engage the committee about the work of the DPBAC. It was proposed and agreed that:

- A copy of the Secretary's Report (Item 4) should be sent through the Cabinet Office to the ISC Secretariat as it gave an excellent summary of the work being carried out by the DPBAC.

- In sending the report, the Cabinet Office should convey to the ISC that the Government considered the arrangements to be working well, and that if there was any further interest in this that the Chairman, Media Side and the Secretary would be happy to brief them (as would senior Government officials if necessary)

**ACTION: The Secretary
Mr C Martin**

Agenda Item 7 – Public Domain Information Availability

21. The Chairman invited the Secretary to update the meeting on the working of the new guidelines which had been agreed in November 2009. The Secretary said that he had encountered no difficulties during this reporting period in DA Notice cases which involved a judgement of what information was – or was not - already widely available within the public domain. Judgement in such cases (which was based on the agreed DPBAC guidelines) had not been challenged by journalists, and only in a very few cases by officials. In none of these cases had the DPBAC's understanding been put to a hard test, but the overall message continued to be good. The Secretary believed that there was no reason at present to review the current DPBAC understanding of what constituted 'information already widely available in the public domain.' If any future difficulties arose then he would report back to the Committee. The Secretary concluded that the DPBAC understanding of this issue had proved to be well-judged and thus that there was no longer a need for it to appear as a regular agenda item.

22. It was agreed that the issue, whilst this issue need not be included as a formal agenda item in future meetings, it should be kept under review, particularly given rapid developments in the internet. The Secretary should include any developments in his routine reports to the Committee.

ACTION: The Secretary

Agenda Item 8 – Special Forces Public Information Policy

23. The Chairman invited Nick Pett (MOD Press Office) to update the meeting on the day to day management of SF Public Information Policy. Nick Pett thanked the Media and the Secretary for continuing to work closely with the Press Office. He said that the Press Office had an important role in helping journalists to understand the importance of SF issues and that the intervention of the DA Notice Secretary should be reserved for when it really mattered. He stressed again the value of the DA Notice System in ensuring that capabilities and sensitivities were protected whilst maintaining the news-worthiness of stories. There continued to be occasions when sensitive information had been published but often as a result of stories written by "non-specialist" journalists. However, a recent story in a major newspaper written by correspondents recently returned from Afghanistan had revealed a number of sensitive tactics and procedures. In this instance neither the Press Office nor the DA Notice Secretary had been consulted. The Chairman said that it was important to understand what was behind this breach. Was it an oversight or was it a serious indication of a willingness to ignore the DA Notice System? In discussion, the importance of DSF engaging with the media was re-emphasised. The Chairman agreed to take this forward.

ACTION: The Chairman

Agenda Item 9 – Any Other Business

24. No additional business was raised.

Next Meeting

25. The next DPBAC meeting was planned to be held at 1800 on Tuesday, 10 May 2011.

Andrew Vallance
AVM
Secretary, DPBAC

November 2010

Distribution

All DPBAC Members
The 'dnotice' Website