

THE DEFENCE PRESS AND BROADCASTING ADVISORY COMMITTEE

**MINUTES OF A MEETING HELD IN THE MINISTRY OF DEFENCE
AT 6PM ON THURSDAY 8 MAY 2014**

The following were present:

Mr Peter Watkins (MOD) Acting Chairman Mr Simon Bucks, Vice-Chairman

Mr Laurie Bristow (FCO)	Mr Charles Garside
Mr Paul Lincoln	Mr David Higginson
(representing Mr Mark Sedwill, Home Office)	Mr Michael Jermy
Mr Paddy McGuinness (Cabinet Office)	Mr Paul Johnson
	Mr David Jordan
	Ursula Mackenzie
	Mr Geoff Martin
	Mr Owen Meredith
	(representing Mr Barry
	McIlheney)
	Mr Bob Satchwell
	Mr Richard Walker

Air Vice-Marshal Andrew Vallance	Secretary
Air Commodore David Adams	First Deputy Secretary
Brigadier Geoffrey Dodds	Second Deputy Secretary

1. Apologies had been received from Mr Jon Thompson (Chairman), Mr Mark Sedwill (Home Office) (represented by Mr Paul Lincoln), Mr John Battle, Mr James Green, Mr Jonathan Grun, Mr Barry McIlheney (represented by Mr Owen Meredith) and Mr James MacManus.
2. The acting Chairman opened the meeting by welcoming Paul Johnson (Deputy Editor, Guardian News and Media) as the Newspaper Publishers Association replacement for Jane Crust.

Agenda Item 1 – Minutes of the Meeting held on 7 November 2013

3. There were no amendments to the minutes of the meeting held on 7 November 2013, which were approved by the Committee as an accurate record.

Agenda Item 2 – Matters Arising from the Previous Meeting

4. There were 3 matters arising from the November 2013 meeting:

- a. Para 14: Managing National Security Disclosures (to be covered under Item 3)
- b. Para 19 & 20: Promotion of the DA-Notice System - Briefing to No 10 and Journalists (to be covered under Item 3)
- c. Para 23: Special Forces Public Information Policy (to be covered under Item 3)

Agenda Item 3 – Secretary’s Report

5. Day-to-Day Business. During the last 6-month period the Secretariat had received some 126 enquiries and requests for DA Notice advice, averaging about 5 per week. This was slightly higher than for the previous reporting period and closer to the historical norm. No breaches in the DA Notice code had occurred during the period

6. DA Notice ‘Advisory’ Letters to All Editors. The Secretariat issued only one so-called ‘Advisory’ during this reporting period. This was sent out on 29 January to remind all UK editors of the terms of DA Notice 5 after police had raided the house in South London of an MI5 member in response to a bogus security alert.

7. Main Areas of Enquiry. Requests for DA Notice advice during the period were focussed on two major areas: the intelligence agencies, most notably further disclosures in *The Guardian* by NSA fugitive Edward Snowden; and issues related to the DA Notice System, most notably the projected Review of the DPBAC and the DA Notice System.

8. The Intelligence Agencies. Some 68 of the occurrences and requests for DA Notice advice during the period had involved the Intelligence Agencies. The possible naming by the media of intelligence agency officers continued to be a concern. However, most of the occurrences and requests for advice were related to further publications by *The Guardian* of extracts from the Snowden documents. The Secretary reported that the engagement of the DPBAC Secretariat with *The Guardian* had continued to strengthen during the last six months, with regular dialogues between the Secretary and Deputy Secretaries and *Guardian* journalists. Also, because of an agreement between *The Guardian* and allied publications overseas to coordinate their respective disclosures of Snowden material, advice given to *The Guardian* had been passed on to *The New York Times* and others, helping to guide the disclosures of those outlets. The process had culminated by the appointment of Paul Johnson (Deputy Editor Guardian News and Media) as a DPBAC member.

9. The DA Notice System. During the last 6 months there had been 40 enquiries and occurrences about the workings of the DA Notice System, the largest number yet recorded. They came from the media themselves, officials, academics, fringe organisations and members of the public. Several were triggered by continuing concerns that the DA Notice System was being used

to cover up crimes or abuses by senior members of past governments and to suppress reporting of protests against ‘fracking’, the Snowden disclosures and the dangers of VCJD. These allegations (false in every case) had been triggered and/or fuelled by scurrilous and unsupported articles on very dubious websites, and each had been refuted. However, most of the occurrences and enquiries about the DA Notice System during the period were centred on the projected Review of the DPBAC and the DA Notice System. Progress to date with initiating the Review had been slow. The terms of reference (TOR) and the timeline for the Review had yet to be finalised, as had the identities of the Reviewers. This delay in had prompted the withdrawal of the senior academic who was originally nominated to lead it, and there were concerns that two media members might be needed depending on the workload involved (which also had yet to be defined). The only firm nominee was the retired senior civil servant who would be the third member of the Review team. The existence of the Review had become public in late January, when a number of newspapers published articles and editorials which sparked a number of enquiries. Nearly all of the media response to the Review had thus far been supportive of the current System and concerned at what might be recommended to replace it.

10. Other Areas of Enquiry. During the period there had been only 6 requests for DA Notice advice on SF issues. This marked a further decline in media interest in the SF in particular and in military operations in general. Indeed, the period had included only 4 requests on British military operations, all of which were of an historic nature. Attempts had continued to develop a more productive dialogue with the DSF, although the former DPBAC acting Chairman had been unable – before he left his role – to address the issue with DSF. There had also been 2 requests for advice on counter-terrorism articles, and one on issues of guarding at the Atomic Weapons Establishment Burghfield. DA Notice advice had been sought on only one book manuscript during the last 6 months.

11. Managing National Security Disclosures. The Secretary recalled discussions with the Ministry of Justice (MoJ) which had been aimed at creating a mechanism whereby judges, coroners and chairmen of tribunals could be informed of any DA Notice guidance that had been issued in connection with the cases they were hearing. The core action lay with the Government Litigators Group (GLG) and the Treasury Solicitors (TSol). Progress had been slow, and in an attempt to expedite the process, the Secretary had met with TSol officials on 20 December 2013. As a result, TSol was now included in the ‘Advisory’ distribution list, and Leaders of the appropriate Litigation Groups within TSol had been made fully aware of the issue and were now primed to take action when needed. It was hoped that increased awareness within TSol combined with similar awareness by litigators at the Intelligence Agencies and the MOD should help to resolve the issue.

12. Promotion of the DA Notice System. The Secretary continued to place a priority on promoting a better understanding of the DA Notice System, and during the reporting period had given or participated in 9 lectures and

seminars: 4 to groups of media editors and 5 to University Schools of Journalism. Further lectures were planned. The Secretary had continued to submit short articles for publication in the Society of Editors' 'Monthly Briefing' and also maintain an active liaison with the Press Association, the Deputy Information Commissioner and the Society of Editors.

Discussion

13. The acting Chairman thanked the Secretary for his comprehensive report and highlighted 4 areas of interest:

- Continued Snowden revelations (which were being managed directly with The Guardian);
- Building understanding of the DA Notice System (the Secretary would continue to take this forward at every possible opportunity);
- The projected Review of the DPBAC and DA Notice System;
- The Special Forces (SF).

14. The Review. The Vice Chairman said that the Media Side remained fully committed and supportive of a voluntary system as the best way to avoid inadvertent disclosure of sensitive national security information. They had discussed the proposal to conduct a review at some length, and they were acutely concerned about the process of establishing the review and the apparent lack of transparency in selecting the review panel, the methodology and drawing up of the TORs. The Vice Chairman said that it was vitally important for the Media Side to be involved in the process. The Media Side already had in mind 2 representatives for the review panel, but would await some indication of the time commitment before taking any further action. The Vice Chairman also said that the Media Side could offer some names of possible candidates to lead the review.

Action: Vice Chairman

15. The acting Chairman said that there were 2 factors which had driven the idea of a review. First, the media landscape had changed with the internet and social media; second, the understanding of the DA Notice System across government and in other areas was not as great as it could be. He acknowledged that setting up the review was proving more difficult than originally thought. One academic identified to lead the review had withdrawn. The acting Chairman noted the points of concern made by the Media Side and welcomed the offer to propose possible candidates to lead the review. Summing up the discussion, the acting Chairman said that he would reflect fully the views of the Media Side to the Chairman and discuss how best to take the matter forward. The Vice Chairman thanked the acting Chairman for his constructive response to the Media Side's concerns and suggestions.

Action: Acting Chairman

16. The Special Forces. The Vice Chairman said that the Media Side would continue to press for more engagement with DSF; it was far better to engage than not. The acting Chairman agreed to pick up the action from the previous meeting to take this forward.

Action: Acting Chairman

Agenda Item 4 – Any Other Business

17. There was no other business.

Closing Remarks

18. The acting Chairman said that there were no planned departures from the Committee in the next 6 months.

Next Meeting

19. The next DPBAC meeting was planned for 6.00 pm on Thursday 6 November 2014, immediately after the Media-Side pre-meeting, which would begin at 5.00 pm. The Secretariat would explore funding options for the DPBAC Annual Dinner, planned to be held in Admiralty House immediately after this meeting.

Andrew Vallance

Andrew Vallance
AVM
Secretary, DPBAC

19 May 2014

Distribution

All DPBAC Members
The '*dnotice*' Website