

THE DEFENCE & SECURITY MEDIA ADVISORY COMMITTEE

**MINUTES OF A MEETING HELD IN THE MINISTRY OF DEFENCE
AT 6PM ON THURSDAY 19 MAY 2016**

The following were present:

Mr Peter Watkins (Chairman)
Mr Jonathan Allen (FCO)
Mr Simon Wren (Home Office)
Pauline Reece (Cabinet Office)
Mr Dominic Wilson (MOD)

Mr Jonathan Grun, Vice-Chairman

Mr Charles Garside
Mr James Green
Mr Michael Jerney
Ursula Mackenzie
Mr James MacManus
Mr John McLellan
Mr Bob Satchwell
Sarah Whitehead

Air Vice-Marshal Andrew Vallance
Air Commodore David Adams
Brigadier Geoffrey Dodds

Secretary
First Deputy Secretary
Second Deputy Secretary

1. There were apologies from Mr Paddy McGuinness (Cabinet Office - represented by Pauline Reece), Mr Mark Sedwill (Home Office - represented by Mr Simon Wren), Mr John Battle, Mr David Higgerson, Mr Paul Johnson, Mr David Jordan, Mr Geoff Martin and Mr Owen Meredith.

2. The Chairman opened the meeting by welcoming John McLellan back to the Committee as the representative of the Scottish Newspaper Society, taking over from Richard Walker.

Agenda Item 1 – Minutes of the Meeting held on 5 November 2015

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

Agenda Item 2 – Matters Arising from the Previous Meetings

4. There were 3 matters arising from the 5 November 2015 meeting:

- a. Para 17: DSMA Notice 5 and Self-Outing (to be covered under Item 3)
- b. Para 18: Review of the DSMA Notices (to be covered under Item 4)

- c. Para 19: Digital representation on the Committee (to be covered under Item 5)

Agenda Item 3 – Secretary’s Report

5. Day-to-Day Business. During the last 6-month period the DSMA Secretariat had received some 97 enquiries and requests for DSMA Notice advice, averaging about 3.5 per week. This was a slightly higher level of activity to that in the previous reporting period in what was nevertheless a quiet 12 months.

6. DSMA Notice ‘Advisory’ Letters to All Editors. Only one ‘Advisory’ (i.e. general letter of DSMA guidance to all UK editors) was sent out during the period. This was issued under DSMA Notice 5 (Intelligence Agencies and Special Forces).

7. Main Areas of Enquiry. In common with recent reporting periods, requests by the media and officials for DSMA Notice advice during the period were fell mainly into 3 major areas:

- The National Intelligence Agencies
- The Special Forces
- The DSMA Notice System itself.

These apart, the Secretariat also received a small number of requests for advice on current and recent military operations.

8. The Intelligence Agencies. Some 32 of the occurrences and requests for DSMA Notice advice during the period involved the intelligence agencies, 3 times that of the previous reporting period but nevertheless less than the historical average. Topics addressed included the ‘naming’ of present and former agency members, surveillance tracking and the clearance of a novel/memoire by a former member of the Security Service. The last-mentioned involved the author disclosing his previous MI5 employment on the publisher’s website. ‘Notice and take down action’ was taken with the publisher, and the offending references were removed from the website. The wider handling of this case had raised some new issues. From the outset, both the author and the publisher had been cooperative, with the Secretary acting as honest broker between them and MI5. However, as matters progressed, the Security Service had become increasingly concerned about the security of the manuscript. This led to an intervention on behalf of MI5 from the Treasury Solicitor (TSol). As a result, and after consultation with Thames House, the Secretariat’s involvement in this case was ended.

9. Special Forces (SF). The last 6 months had seen 32 occurrences and requests for DSMA advice concerning the SF, 9 more than for the previous period. Topics had included speculation about past and recent SF operations, in Iraq, Syria, Libya, at home and in Europe, SF-related technologies, a planned TV series about SF and intelligence agency training and the intelligence gathering dimension of social media. Naming and anonymity

continued to be an on-going issue and included another case of 'self-outing'. DSMA advice had not been sought in this case, but in the other cases where DSMA advice had been sought it had been accepted, albeit in some cases with a degree of negotiation.

10. The DSMA Notice System Issues. During the last 6 months there had been some 27 enquiries and occurrences about the workings of the DSMA Notice System, 9 less than that for the previous reporting period. As usual, they had come from a wide variety of sources: the media themselves, officials; academics; fringe organisations; and members of the public. Misplaced concerns were raised that 'D Notices' had been issued to prevent media reporting of the XMRV virus, vCJD outbreaks, NHS use of contaminated blood, the loss of missing secret documents and the crash of a Vulcan aircraft at Heathrow Airport in 1956. All of these issues clearly fell well outside the guidelines of the D/DA/DSMA Notice Systems, and the Secretary had confirmed that no D/DA/DSMA Notice advice had been given on any of them. The Secretary felt the number of such questions raised in every reporting period (often by highly educated professional people) served to underline the serious level of misunderstanding and ignorance of the D/DA/DSMA Notice Systems which continued to exist. This served to emphasise the importance the Secretariat attached to widespread education about how the System operates.

11. DSMA Notice 5 and the 'Self-Outing' Issue. Following on from the discussion at the last meeting, the Secretary had sought advice from DSF and the Intelligence Agencies about self-outing or personal disclosure. There had been an increase of occurrences in recent months, although this could have been caused by the increased number of people employed by these bodies. Overall, there was no particular evidence that 'self-outing' was a growing trend. DSF and the Agencies had agreed that the existing policy was correct but recognised they were limited in what they could do to prevent people from disclosing their previous employment if they were determined to do so. That said, the agencies preferred to use persuasion rather than legal action to deter or forestall this. The Committee agreed that the current policy continued to be valid.

12. Current and Recent Military Operations. The period had included 5 requests on past and present British (non-SF) military operations. In all cases the DSMA advice offered had been followed.

13. Administration and Review Implementation. Although activity in the core business of providing DSMA Notice advice had been relatively low during the reporting period, the Secretariat had continued to deal with a substantial weight of administrative work. The continuing lack of a PA had imposed a considerable additional burden on the Secretariat, especially on the Secretary as the only full time member. One of the consequences of this had been a fall in the number of lectures the Secretary had been able to give on the DSMA System to University Schools of Journalism and the media. The Secretary confirmed that he intended to leave the post on 3 October. The recruitment process had started.

14. Promotion of the DSMA Notice System. During the period the Secretariat had continued to do as much as possible to promote a better understanding of the DSMA Notice System. Four lectures had been given to University Schools of Journalism, and more were planned.

15. Books. During the last 6 months, DSMA Notice advice had been provided on the 2 books. The advice given had been accepted.

Discussion

16. The Chairman and the Chairman of the Media Side both thanked the Secretary for his comprehensive report. The Chairman said that he had no wish to be complacent about the overall drop in the number of requests for advice during the past 12 months, but there was no need to worry at this stage as the numbers had fluctuated over the last 10 years. The Chairman of the Media Side said that he wished to raise two areas of concern.

17. On the handling of the former MI5 officer's Novel/Memoire, the Media Side felt that the Secretary had been put in a very difficult position and been obliged to withdraw from the clearance process. They felt that this was particularly regrettable as the Media Side representative from the Book Publishers' Association had spent much time and effort in persuading publishers to use the DSMA System.

18. The Official Side noted these points whilst acknowledging that an agency might well have legitimate concerns about protecting material while decisions were being taken about publication.

19. Summing up, the Chairman noted:

- The serious concerns that had been raised by the Media Side.
- The Agencies should be encouraged to continue to use the DSMA System.
- The Secretary's actions throughout the case had been entirely proper.

20. The Secretary's Replacement. The Media Side sought reassurance that there would be continuity in the Secretariat given that the Secretary expected to leave his post on 3 October. The Chairman said that the MOD Representative had this in hand and would involve the Media Side in the process. Although confident that the date of 3 October could be met, it was agreed that it would be best if Andrew Vallance could continue to serve up to and including the Autumn meeting (scheduled for 3 November). Andrew Vallance confirmed that he would be willing to do that.

Action: Dominic Wilson

Agenda Item 4 – Review of the DSMA Notices

21. The Chairman introduced this item by reminding the Committee about the rationale behind the review. The original wording had been considered somewhat quaint and there were several areas of overlap and duplication. It had been agreed earlier that there should be a two-step process. First, the current notices would be re-drafted and, second, they would be rationalised and restructured. The Chairman asked the Second Deputy Secretary to update the Committee on progress.

22. Geoffrey Dodds said that Version 8 of the redraft had been agreed by both sides and that he now sought clearance to move on to the next step. The Committee confirmed it was happy for him to do so. The Chairman and the Chairman of the Media Side asked for their thanks to be recorded to Geoffrey Dodds for his excellent work in bringing the review to the next stage. The Chairman of the Media Side added thanks to his small sub-committee of Bob Satchwell and David Jordan for their helpful and substantial contribution to the process. The Chairman echoed this.

23. The Chairman then asked for confirmation that the Committee was content with the Definition of Terms and the General Introduction. There was acceptance of the former but the General Introduction had caused some discussion, specifically the inclusion of the term 'public interest' as a reason why an editor might reject DSMA advice. The Media Side had been keen to see these words included whilst the Official Side had been firm in rejecting them. The Media Side Chairman said that following further discussion and reflection with his colleagues, he was content for the words to be excluded, given that it was implicit that an editor rejecting DSMA advice was probably doing so on grounds of perceived public interest.

24. It was agreed that the Second Deputy Secretary would now proceed with the restructuring and rationalisation with the aim of reaching agreement out of committee ahead of the next meeting on 3 November.

Action: The Second Deputy Secretary

Agenda Item 5 – Increasing the digital representation on the DSMA Committee

25. The First Deputy Secretary reported that process had been slow given the difficulty in identifying a representative body for the various independent digital news organisations. Attempts had been made and would continue to have discussions with First Draft News, which was a coalition of social media news gatherers. It was accepted that the DSMA Committee was not the only organisation trying to tie in some form of digital representation; the Independent Press Standards Organisation (IPSO) and the Society of Editors (SOE) were also working to establish formal links. It was agreed that efforts would continue. Owen Meredith was working with IPSO, Bob Satchwell

offered to help through the SOE and the First Deputy Secretary would continue with efforts to establish contact with First Draft News.

Action: First Deputy Secretary

Agenda Item 6 – Any Other Business

26. There was no other business.

Farewells

27. Geoff Martin would be leaving after 4 years' service with the Committee as he would shortly be retiring after 45 years in journalism. The Chairman asked for the Committee's thanks to Geoff Martin to be put on record.

28. This would not now be the last formal meeting for Andrew Vallance who had served the Committee for nearly 12 years, given that he had agreed to attend and report to the Autumn meeting. The Committee recorded its thanks to Andrew Vallance for his service.

Next Meeting

29. The next DSMA Committee Meeting would take place at 1800 on Thursday 3 November 2016. It would be preceded by the Media Side pre-meeting which would begin as usual at 1700. The meeting would be followed by the Annual Dinner.

Andrew Vallance

Andrew Vallance
AVM
Secretary, DSMA Committee

May 2016

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