

RECORD OF DPBAC MEETING HELD ON 7 MAY 2008

The following were present:

Sir Bill Jeffrey, Chairman	Mr S Bucks, Vice-Chairman
Sir Ian Andrews	Mr J Battle
Mr S Smith (representing Sir David Normington)	Mr J Bishop
Ms S MacLeod (representing (Mrs M Leslie)	Mr H Carnegie
	Mr E Curran
	Mr R Esser
	Mr J Green
	Mr S Irwin
	Mr M Jermey
	Mr D Jordan
	Mr J McLellan
	Mr J MacManus
Air Vice-Marshal A Vallance	Secretary
Air Commodore D Adams	Deputy Secretary

1. Apologies: Sir David Normington, Mrs M Leslie, Mr R Hannigan
2. The Chairman opened the meeting by welcoming the appointment to the DPBAC of Mr Robert Hannigan, who would be representing the Cabinet Office.

Agenda Item 1 – Minutes of the Meeting held on 8 November 2007

3. There were no amendments to the minutes of the meeting held on 9 November 2007 which were approved by the Committee as an accurate record.

Agenda Item 2 – Matters Arising from the Previous Meeting

4. Para 12: Promoting a better understanding the DA Notice System. This was to be covered under Item 3 of the Agenda.

5. Para 13. Special Forces' Public Information Policy. This was to be covered under Item 4 of the Agenda.

6. Para 15: DPBAC Understanding of Information 'Widely Available in the Public Domain'. This was to be covered under Item 5 of the Agenda.

7. Para 15: Review of DA Notice No 5. This was to be covered under Item 6 of the Agenda.

Agenda Item 3 – Secretary's Report

8. Day-to-Day Business. The Secretary reported that he had received 130 requests for DA Notice advice since November 2007. The average of about 5 per week was closely comparable with recent reporting periods. He had also sent out four general letters of DA Notice advice to editors on specific issues in the news. All four were related to Defence Advisory Notice No 5. Media requests for advice during the period had been focussed on four principal areas of defence and security covered by the DA Notice code: UK military operations in Iraq and Afghanistan, the Intelligence Agencies (in particular the naming of SIS officers), counter-terrorism, and the Special Forces (SF). DA Notice 5 issues had featured prominently during the reporting period. Most enquiries concerned the public disclosure of names, many of which were triggered by the appearance in court cases of SIS officers and SF personnel. Media interest in counter-terrorist activities had continued to underpin many of the enquiries made to the Secretary. Other areas on which DA Notice advice was offered included reporting on nuclear weapon safety and security, questions about the accuracy of the film 'The Bank Job' (in which it was wrongly alleged that a 'D-Notice' had been used to cover official embarrassment) and the repeating of the names of certain senior armed forces officers who had been in the public eye during operational tours in Iraq and Afghanistan. During the period the Secretary also provided DA Notice advice on six books, one of which was the draft official history of the D/DA Notice system. The Secretary had continued his programme of lectures and workshops within the media and at schools of journalism. Despite these efforts, he was only too well aware that further measures were needed to 'spread the word'. The Secretary had drafted a list of the principal news sources to permit him to reach web-based

journalists, and he had drafted for DPBAC approval a pocket aide-memoire for armed forces' commanding officers.

9. Committee Discussion. The Chairman and Vice-Chairman thanked the Secretary for his comprehensive report covering what had clearly been a busy period.

Agenda Item 4 – Special Forces Public Information Policy (SFPIP)

10. The Chairman asked Sir Ian Andrews to introduce this item. Sir Ian in referring to the new MOD policy not to release the names of dead SF personnel said that the MOD's priority was to protect the lives of those involved in SF operations and their families. He explained that new procedures had been put in place which seemed to be working well. He then invited Mr Nick Pett of the MOD Press Office to brief the meeting on progress with SFPIP.

11. Mr Nick Pett said that the system was working well from a Press Office perspective and that this coupled with the willingness of most journalists to consult the Secretary had led to several potentially damaging stories being modified. However the mosaic effect, whereby the continual release of even small bits of information over a period built up a fuller picture, was still a concern.

12. The Vice-Chairman, whilst accepting that there were some positive aspects, said that the Media Side were somewhat dismayed at the overall lack of progress and even felt that things had gone backwards since the introduction of the new policy on the release of names. The new policy appeared to have muddied the waters. The Chairman, in acknowledging that the system seemed to be working reasonably well with the Press Office, said that there was a need to reflect on the wider issues. It was clear that those within Government thought that the new policy was important and this view should be respected.

13. Sir Ian Andrews said that the SF community regarded the new policy to protect names and families as an important way of respecting the lifetime compact they have with their members not to divulge details of SF activities. This compact should work both

ways. Referring to the failure to set up a meeting between the Committee and DSF, he said that the current pace of operations made this very difficult. The Chairman said that he would like to be confident that the senior SF management were aware of the Media Side's concern. Sir Ian said that DSF did understand and that he would return to the question of a meeting. Ministers were also aware of the media's concern. The Vice-Chairman said that he would like to write to DSF setting out the issues and suggesting such a meeting. It was agreed that this should be done through the Chairman.

ACTION: VICE-CHAIRMAN, 2nd PUS, SECRETARY

Agenda Item 5 – Public Domain Information Availability

14. The Chairman said that the action in reviewing the criteria proposed by the Media-side still rested with the Official-side. The draft criteria had been reviewed by the Ministries and Agencies directly concerned, and some unease remained, particularly if this definition was to be used as the main if not the only public disclosure yardstick. Further official staffing was continuing with the intention of producing an alternative proposal aimed at meeting the Media-side's wish for greater clarity on this issue, while at the same time addressing Official-side concerns. When this was completed, the Secretary would circulate the Official-side proposals to DPBAC members for their comments out-of-committee in the hope of identifying common ground. If agreement could not be reached in that way, the Chairman said that the issue would be referred back to the Committee to be taken as an agenda item in the Autumn 2008 Meeting. He apologised for the fact that the issue has taken so long to resolve within Government. The Vice-Chairman, in reflecting the views of the Media Side, stressed the need to take this forward. The internet was growing at great speed, and it was important for the Committee to have a policy on internet journalism.

ACTION: Secretary, Cabinet Office

Agenda Item 6 – Review of DA Notice No 5

15. The Chairman asked the Secretary to summarise the conclusions and recommendations of the latest draft of the paper 'DA Notice No 5 and the Contemporary Terrorism Threat'. The Secretary explained that some adjustment was thought to be needed to DA Notice 5 and also to DA Notice 4 to clarify their applicability and provide adequate prompts to journalists and editors as to when they should consider seeking further DA Notice advice. It recommended (for reasons of clarity and consistency) that DA Notice 4 paragraph 2 should be amended to alert journalists to the possibility that certain people – by virtue of their duties or backgrounds and apart from those directly involved in countering terrorism – might be at particular risk of terrorist attack. Specific advice would continue to be given on a case-by-case basis. The paper also recommended that DA Notice 5 paragraph 1a should include references to alert journalists and editors to the possibility that operations of Defence Intelligence Units and – in certain cases - the overseas intelligence operations of the Serious Organised Crime Agency might fall within the terms of this DA Notice. The Vice-Chairman said that the Media Side were absolutely clear that the DA Notice System was about National Security and that they would not agree to extend it beyond this. He tabled the following revised wording to the proposed footnote to DA Notice 5 paragraph 1a to make this clear:

“ even when used by the Serious Organised Crime Agency (SOCA). This is intended purely to protect National Security and not to inhibit normal reporting on law enforcement”*

The Chairman said that this revision seemed to bring out exactly what was wanted. The Committee was content subject to a final review of the exact wording in the context of the full notices. It was agreed that the Secretary would circulate a full version of both DA Notice 4 and 5 incorporating the revised wording for final approval.

ACTION: Secretary

Agenda Item 7 – DPBAC Review of the Conclusions of the Media-Side’s ‘Blue Skies’ Meeting held on 8 November 2007

16. The Chairman welcomed the Media-Side’s very positive approach in putting forward the proposals resulting from the “Blue Skies” meeting held on 8 November 2007. The tone of the official

responses to these proposals had also been very positive, and only relatively minor amendments had been proposed, one from the MOD and one from the Cabinet Office. The Chairman explained that, on reflection, the MOD amendment in expanding the section on “operational security” had gone too far and had now been withdrawn. The revised wording to the section “The Objective of the DA Notice System” was discussed and the following revision agreed:

“The Objective of the Defence Advisory Notice system is to prevent inadvertent public disclosure of information that would compromise UK military and intelligence operations and methods, or put at risk the safety of those involved in such operations, or lead to attacks that would damage the critical national infrastructure and/or endanger lives.”

The Secretary was charged with revising the wording as agreed and implementing the other actions in the paper.

ACTION: SECRETARY

Agenda Item 8 – Intelligence and Security Committee Annual Report 2006-2007

17. The Media Relations section (paragraphs 69-72 of the ISC Report for 2006-2007, and the resulting Conclusion ‘M’) had raised concerns from the media side. This had led to an exchange of letters between the DPBAC Vice-Chairman and the new Chairman of the ISC. The DPBAC Chairman said that he had since spoken to the Cabinet Secretary and taken the opportunity to explain the Committee’s concern. He had also suggested that, in future, it would be useful for the ISC to hear evidence direct from the Chairman, Vice-Chairman and Secretary. It was agreed that there was no further action to be taken at this stage.

Agenda Item 9 – Any Other Business

18. There was no other business.

Next Meeting

19. The next DPBAC meeting was planned to be held at 1800 on Tuesday 18 November 2008. This would be followed immediately by the DPBAC annual dinner which would be held in Admiralty House. The DPBAC Annual Reception would be held, also in Admiralty House, between 1830 and 2030 on Thursday 27 November 2008.

12 May 2008

Secretary