

**The Defence Press and Broadcasting Advisory
Committee**

Minutes of a Meeting Held in the Ministry of Defence

At 6pm on Wednesday 13 May 2015

D/DPBAC/3/2/1

The following were present:

Mr Peter Watkins, Chair
Mr Jonathan Allen (FCO)
Mr Paddy McGuinness
(Cabinet Office)

Mr Simon Bucks, Vice-Chair
Mr Charles Garside
Mr James Green
Mr Jonathan Grun
Mr David Higgerson
Mr Michael Jermey
Mr David Jordan
Ursula Mackenzie
Mr James MacManus
Mr Geoff Martin
Mr Bob Satchwell
Mr Richard Walker

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

Secretary
First Deputy Secretary
Second Deputy Secretary

1. Apologies had been received from Mr Paul Lincoln (representing Mr Mark Sedwill), Mr John Battle, Mr Paul Johnson and Mr Owen Meredith.
2. The Chairman opened the meeting by welcoming Mr Jonathan Allen who had replaced Mr Laurie Bristow as the FCO representative.

Agenda Item 1 – Minutes of the Meeting held on 6 November 2014 and the Extraordinary General Meeting held on 18 December 2014

3. The amended minutes (as posted on the 'dnotice' website) for the Autumn meeting held on 6 November 2014, and the Note for the Record of the Extraordinary Meeting held on 18 December 2014, were approved by the Committee as accurate records.

Agenda Item 2 – Matters Arising from the Previous Meetings

4. There were 4 matters arising from the November 2014 meeting:

- a. Para 10, 15 and 16: These paragraphs of the original minutes published in November 2014 had been removed. They recorded a discussion at the meeting about the naming of an adviser working at the centre of government who was a former member of the Special Forces. The information on which the discussion was based, although cited in good faith and believed to be correct at the time, was subsequently proved to be unfounded. Nevertheless, there was an important issue of principle on which both the Media and Official sides wished to comment. The Chairman acknowledged that there were some differences of opinion and invited the Chairman of the Media Side and the Cabinet Office representative to outline their respective positions.

The Chairman of the Media Side said that, whatever interpretation was put on the facts of this case, if a journalist was given information by a government official or if a story was corroborated, or believed by the journalist to have been corroborated, by an official, then this would obviate the need for him/her to seek DA Notice advice.

The Official Side view was that a journalist should seek DA Notice advice on a story which contained information which fell within the guidelines of the DA Notice Code, even if that information was thought to come from, or to have been corroborated by, an official source.

Summing up, the Chairman accepted that these two perspectives were difficult to reconcile but felt that there might be value in surveying the current official guidance on the public disclosure of the identities and details of personal security of officials. The point had been made earlier that there was room for confusion, given that some senior security officials were now avowed and even accorded a public profile via official websites. The Chairman asked the Secretary to provide a paper surveying existing practice and current guidance on the public disclosure of personal security information about officials.

Action: The Secretary

The Chairman accepted the point made by the Media Side that this episode might have been avoided if the government department concerned had responded to an earlier offer from the Secretary of a briefing on the DA Notice System. A date for this briefing would now be set.

Action: Cabinet Office Representative

b. Para 19: DA Notice involvement in hostage situations. The Chairman invited the Secretary to report. The Secretary said that he had had a meeting on 17 April with the Head of the FCO's Global Response Centre (which manages overseas hostage situations). He had explained the key points in the FCO's response in such situations, the sensitivity to early publicity and how this might compromise freedom of action and the hostage's physical safety. The Secretary had made the point that DA Notice interest in hostage media management situations was limited to guiding public disclosures about possible associated SF and contingency intelligence operations. Nevertheless, it was important to know how the FCO line was evolving in a particular case as journalists might approach the DA Notice Secretary for independent advice. The FCO had provided the Secretariat with a useful document outlining their hostage situation crisis management procedures and had agreed, whenever possible, during hostage situations to liaise closely with the DA Notice Secretariat.

In discussion, the Chairman of the Media Side said that the existing arrangements where the FCO had direct contact with the

media worked well but that close liaison with the DA Notice Secretary was also important. The FCO representative agreed.

- c. Para 23: The review of the DA Notice System would be covered under Item 4.
- d. Para 24: Contact with the new Director of GCHQ. The Chairman invited the Cabinet Office representative to report. The Official Side view was that it was the Policy Departments that represented the agencies in their dealings with the Committee, but it was accepted that direct contact was sometimes appropriate. The Director GCHQ had agreed to invite the Committee to a meeting either in London or Cheltenham. The Chairman asked the Secretary to take this forward.

Action: The Secretary

Agenda Item 3 – Secretary’s Report

5. Day-to-Day Business. During the last 6 month period the Secretariat had received 138 enquiries and requests for DA Notice advice, compared with 108 for the previous period.

6. Main Areas of Enquiry. Requests by the media and officials for DA Notice advice during the period were focussed on three major areas:

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

Other requests concerned counter-terrorism and current and recent military operations, plus other peripheral subjects.

7. The Intelligence Agencies. There were 30 requests for advice on the intelligence agencies, an increase on the previous period when there had been only 19. The Snowden disclosures still continued to attract some attention, as did the naming of intelligence officers. There was a growing readiness amongst intelligence agency retirees to disclose their former affiliation.

8. Special Forces (SF). There were 27 requests for advice about SF including speculative stories about alleged UKSF

operations against ISIL, hostage rescue, coordination between UKSF and Allied SF operations, rescuing a downed Jordanian airmen in Syria/Iraq, the book 'X Platoon' and alleged SF connections of the Labour MP Dan Jarvis. In all these cases the DA Notice advice offered had been accepted, although often after extended dialogue and negotiation.

9. The DPBAC and DA Notice System Issues. There were 64 enquiries about the DA Notice System, many concerning the Independent Review of the DPBAC and DA Notice System. There were continuing concerns about whether the DA Notice System had been used in the past to cover up crimes (e.g. child abuse) by senior members of the government. The Secretary said that he exercised full transparency in these cases but proving a negative was a logical impossibility and enquirers were not always satisfied. Other areas of enquiry during the period had covered issues such as the supposed use of DA Notices to stifle publicity about the Ebola pandemic and the legal claims of former Mau Mau members. There had been some enquiries after the temporary withdrawal of the Autumn 2014 DPBAC meeting minutes from the *dnotice* website, although none since publication of the amended minutes.

10. Current and Recent Military Operations. There had been 4 requests concerning the personal security of troops returning from recent conflicts.

11. Other Areas of Enquiry. There had been 13 other enquiries. Three were related to counter-terrorism, and 10 to a wide range of miscellaneous issues, many not connected to the DA Notice System. These latter included the fatal 'bin-lorry' crash in Glasgow, commercial enquires masquerading as FOI, alleged conspiracies over VCJD, wartime censorship of the sinking of the troopship *Lancastria* and selling 'state secrets' on the 'Dark Web'.

12. Promotion of the DA Notice System. The Secretary continued to place a high priority on promoting a better understanding of the DA Notice System. This effort included contributions to, and/or attendance at, the following:
Society of Editors' monthly briefings

- Society of Editors' Conference – 9-11 November
- GCHQ Communications Capability Review – 11 November

- Book launch for Lord Ashcroft's 'Special Ops Heroes' – 18 November
- DPBAC briefing visit to Thames House – 3 March

It also included him giving briefing or seminars to the following audiences:

- Goldsmiths College, School of Journalism, University of London – 18 November
- MOD Directorate of DDC News Team – 9 December
- Editors Forum, Trinity Mirror Regionals – 10 December
- Warwick University, School of Journalism – 5 February
- Lincoln University, School of Journalism, – 16 February
- Liverpool Hope University, School of Journalism, – 25 February
- Bournemouth University, School of Journalism – 2 March
- Queen Mary College, School of Journalism, University of London – 10 March
- University of Westminster (Harrow Campus), School of Journalism – 16 March

13. Finally, the Secretariat had given DA Notice advice on 3 book manuscripts:

- 'The Pol Pot Conspiracy' by Neil French-Blake
- 'X Platoon' by Steve Heaney and Damien Lewis
- 'The Longest Kill' by Craig Harrison

Discussion

14. The Chairman thanked the Secretary for his comprehensive report.

15. Referring to the 'self-outing' of retired intelligence officers, the Cabinet Office representative said that the contracts of serving members of both MI5 and MI6 had been changed to exclude this possibility. It was more complicated with GCHQ as they had a number of officers who were avowed.

16. The Media Side Chairman raised the question of the alleged use of the DA Notice System in cover ups as reported by the Secretary. The journalist Don Hale had related how in the 1980's

he had come across cases where police officers had purportedly used D Notices to deter journalists from publishing a story. The Media Side Chairman said that to head-off any ideas that the police might use such tactics he had written to the Commissioner of the Metropolitan Police suggesting a briefing on the DA Notice system for a selection of his officers. The Commissioner's office had replied positively and it had been agreed that the Secretary (and a member of the Media Side) should give such a briefing.

**Action: Media Side Chairman
The Secretary**

Agenda Item 4 – Review of the DA Notice System

17. The Chairman said that the Review of the DA Notice System had been discussed at the EGM of 18 December following which he and the Media Side Chairman had written to the Chairman of the Review Committee with comments. The only important recommendations of the Review's Final Report which had not been accepted was the proposal to appoint an independent chairman of the DPBAC and the transfer of stewardship of the DA Notice System from the MOD. It had been decided that the DG Security Policy MOD would formally become Chairman DPBAC. The Chairman then referred the meeting to the paper tabled by the Secretary listing the recommendations of the review which had been accepted together with a timeline for action. The Secretary had tabled a separate paper on the re-naming of the DPBAC and the DA Notices. The comprehensive review of the DA Notices would be carried out by the Second Deputy Secretary. The Committee confirmed that they were happy with the Secretary's draft work plan.

18. Turning to the Secretary's paper on renaming, the Chairman of the Media Side said that he and his colleagues had discussed it at some length. They had not reached any firm conclusions other than the word 'security' should be introduced into the title. There was a diversity of views which suggested the need for further work. For the official side, the Cabinet Office Representative said there was no difficulty with the proposals but that it was important to maintain continuity of the 'brand'. Some members of the Media Side felt the brand was not well understood by many in the media and the public at large and perhaps therefore should be consigned to history.

19. Leaving aside the actual name, it was agreed that the Committee needed to be clear about how to market itself after the Review. The website was an obvious way of explaining the rationale for the re-launch, to set out the changes and to tackle and correct misconceptions. The Secretary suggested that to do this he could also use his monthly input to the SOE and the proposal from the Radio 4 Today programme to do a piece on the revised system.

20. The Second Deputy Secretary laid out his plan for the revision of the DA Notices. After some discussion it was agreed that the first step should be to seek inputs from Committee members rather than to go out at desk level to the Agencies. The policy Departments would then be responsible for the staffing within their own areas of responsibility. The aim was to produce an agreed revision if possible before the Autumn DPBAC meeting.

21. Summing up, the Chairman said that there was general agreement about the need to rename the Committee, its System and the Notices, and what that name might be, but more work was required to determine how best this revised stance should be presented to the public. The Secretary was tasked to come up with some options by early July.

Action: The Secretary

Agenda Item 5 – Any Other Business

22. There were no items of Any Other Business.

Closing Remarks

23. The Media Side Chairman announced that he would be standing down after the Autumn DPBAC meeting and that an election would be held for his successor.

Next Meeting

24. The next DPBAC meeting was planned for 1800 on Thursday 5 November 2015. It would be preceded by the Media-side pre-meeting, which would begin as usual at 1700 and followed by the Annual Dinner.

Andrew Vallance

Andrew Vallance
AVM
Secretary, DPBAC

27 May 2015

Distribution

All DPBAC Members
The '*dnotice*' Website