

MINUTES OF A MEETING CONDUCTED REMOTELY
AT 6PM ON THURSDAY 5 NOVEMBER 2020

THE DEFENCE AND SECURITY MEDIA ADVISORY
COMMITTEE

D/DSMA/3/2/1

The following were present:

Mr Dominic Wilson (Chair)	Mr John Battle (Vice-Chair)
Mr Simon Shercliff (FCO)	Mr Ian Murray (Vice-Chair)
Mr Paul Wyatt (MOD)	Mr Peter Clifton
Mr Rod Latham (Home Office)	Mr Joe Fay
Mr Matthew Collins (Cabinet Office)	Mr Michael Jermey
	Mr David Jordan
	Mr David Higginson
	Mr Charles Garside
	Mr James Green
	Mr John McLellan
	Mr Owen Meredith
	Mr Charlie Redmayne
	Mr Craig Tregurtha

Brigadier Geoffrey Dodds	Secretary
Captain Jon Perkins RN	First Deputy Secretary
Lieutenant Commander Stephen Dudley	Second Deputy Secretary
Ms Geetha Kanagarajah	PA to the Secretary

1. There were apologies from Chloe Squires (Home Office) represented by Rod Latham, and Beth Sizeland (Cabinet Office) represented by Matthew Collins, Laura Adams (Archant), Sarah Whitehead (Sky News) and Robert Winnett (Daily Telegraph).

2. The Chairman opened the meeting noting that it was the first in the Committee's history to be conducted remotely. He went on to welcome the newly selected deputy secretaries (designate). The

Secretary advised that he hoped both would be in post before the end of the year.

Agenda Item 1 – Minutes of the Meeting held on 7 Nov 2019

3. The minutes of the 7 Nov 19 meeting were approved by the Committee as an accurate record.

Agenda Item 2 – The Secretary’s 14 May 2020 Report

4. Earlier COVID movement restrictions had led to the cancellation of the May 2020 Committee meeting. Despite this, the Secretary had produced and circulated his six-monthly report to Committee members. This report was approved.

Agenda Item 3 - Actions arising from the Secretary’s Report dated 14 May 2020

5. Two actions remained outstanding:

- Para 4b, Incorporating Cyber into the Standing Notices. Despite some media-side reservations about the process, the Committee welcomed the initiative but postponed detailed discussion to item 5.
- Para 4c, Increasing transparency. The Chairman invited members to review the Secretary’s recent six-monthly report and comment on how, if necessary, the format could be restructured with a view to it being published in full alongside the minutes. This will be dealt with under item 6.

Agenda Item 4 – Secretary’s Report 26 Apr - 25 Oct 2020

6. The Secretary briefed the Committee that during the last 6-month period (summer months, varying COVID restrictions), the DSMA secretariat received 66 (25 Oct) inquiries and requests for DSMA Notice advice, a 38% increase over the previous period (48). However, the request rate remains well below the 10-year historical average (103). 28 requests were initiated by members of the UK media, 30 by Government officials and 7 by members of

the public. No supplementary DSMA notices were issued during this period. A summary of the Secretary's report is attached to these minutes.

7. The Secretary continued with details of three particular inquiries; two from members of the UK media and one from a Government official. He further explained that these three incidents provided good examples of the DSMA notice system working well in practice.

Agenda Item 5 – Incorporating Cyber into the standing notices

8. Both the 14 May 20 and 5 Nov 20 planned briefings to media-side members on cyber operations had been postponed as a result of COVID movement restrictions. These briefings were considered a necessary precursor to the media-side's ability to take an informed decision on the incorporation of cyber operations into the standing DSMA notices.

9. While all members acknowledged the importance of ensuring that the potential impact of operations in and from the cyber domain fell within the notice system, the media-side Vice Chair articulated a widespread unease among media members that, as worded, the scope of the proposed amendments could be interpreted as going well beyond the national security remit of the Committee. The proposal required redrafting to produce a more tightly worded text with an increased focus on the subject. Both sides expressed their willingness to work together to ensure an appropriate outcome; one that maintained the integrity of key national security information while facilitating the media's freedom of expression to report widely.

10. It was agreed that the Secretary would work with the Cross-Whitehall Cyber group on a much tighter form of words embracing the spirit of this discussion. The twice postponed Cyber briefing will be rescheduled to the media-side's pre-meeting in May which, with an amended text should set the conditions for the Committee's consensus.

Action: The Secretary

Agenda Item 6 – Increasing Transparency of the Committee’s Work

11. Following consensus at the Autumn 2019 meeting to increase the transparency of the Committee’s work, the Secretary had produced a one-page ‘digest’ of activity drawn from the Oct 19 - May 20 period. This digest had been circulated to members prior to the meeting and members’ subsequent comments had been included in the proposed format and text. The Committee agreed that this digest added valuable detail to the information normally published in the minutes on the dsma website. On a cautionary note, the Committee advised the Secretary he would likely face calls for further increases in transparency and advised that he would almost certainly have to deal with such requests robustly. The Secretary assured the Committee that the secretariat would continue to handle such requests in a firm but fair manner; and certainly without compromising the code of confidentiality.

12. The Committee approved the production and publication of these summaries to coincide with the posting of future minutes of Committee meetings on the dsma website.

Action: The Secretary

Agenda Item 7 – Protection of Official Data - the Law Commission's Final Report

13. Following a lengthy consultation period starting in 2016, the Law Commission published its final report into modernising the Official Secrets Acts in September 2020. The Secretary brought to the Committee’s attention those recommendations which, if implemented, could have an effect on the DSMA Committee and the notice system itself.

14. Although the way ahead would depend on the Government’s response (currently being co-ordinated by the Home Office), the Committee acknowledged the Law Commissioner’s clear intent to balance the needs of national security with the requirement to preserve freedom of speech.

15. The media-side welcomed a number of recommendations, including that for the creation of a Public Interest Defence and

secondly, the requirement to prove damage when prosecuting members of the public (which included journalists). The media-side Chairmen further advised they had spoken to the Law Commissioner and had been reassured that the recommendations envisaged the DSMA system continuing in its present form and working in parallel with the requirements of a reformed OSA.

16. After further discussion, the Committee noted two of the Law Commission's key recommendations:

- a. To prove damage when prosecuting journalists
- b. To create a Public Interest Defence.

and additionally, noted possible future work to include:

- c. The re-examination of the Committee's understanding of 'widely available in the public domain' (WAPD).
- d. Considering its views on developing a working relationship with the Independent Commissioner, should one be appointed.

17. The Committee requested the Secretary engage with the implementation of the legislation as it progressed and monitor those developments which looked likely to impinge on the work of the Committee.

18. The Secretary advised that during the course of this work, he had noted an existing oversight in a previous amendment to the standing DSMA Notice 04 (Physical Property and Assets). As elsewhere, the term 'enemy' should have been replaced with 'adversary'. The Committee agreed the recommendation and requested the Secretary take the necessary action

Action: The Secretary

Agenda Item 8 – Terrorism and Mass Media

19. The Metropolitan Police Service (MPS) had commissioned the Royal United Services Institute (RUSI) to undertake research to develop a way in which the negative consequences of any media

coverage of terrorist events could be mitigated by responsible and ethical reporting practices.

20. The study lead had concluded that the DSMA notice system might offer an appropriate route by which MPS could manage its relations with the media.

21. Noting that the current MPS Head of Counter Terrorism (as well as his predecessor) had briefed the DSMA Committee on their appointment, the Committee welcomed the news that the Secretary had been invited to give a presentation to an MPS team later in the year. The Committee cautioned the Secretary that it would be inappropriate for the Committee to be drawn away from the clear national security focus of their remit into either policing in general, or the very broad range of non-operational initiatives which came under the wider aegis of CT.

22. Whilst highlighting that news coverage in this area was challenging because of the fast-paced nature and fluidity of these events, the Committee also noted that many CT operations reflected extremely close collaboration between police, military and intelligence agency staffs. These were matters for which, under DSMA Notice 03, the Committee already had a remit, and where the system had been shown to be demonstrably effective in the past.

23. The Committee requested that the Secretary establish the intent and scope of the MPS' aspiration.

Action: The Secretary

Agenda Item 9 – Any Other Business

24. There were no items of other business tabled in advance. Two new items were raised:

a. The Chairman noted that the unusual circumstances of this year had prevented the usual acknowledgement of the service to the Committee of Air Commodore David Adams and Group Captain John Alexander. The Committee wished their thanks be formally recorded and hoped the opportunity might still arise in the future to mark their departure.

b. The Chairman described how work on the Integrated Review into National Security was revealing emerging threats and challenges. Importantly, it was highlighting a likely sea change from the trend of the last 20 years (which had seen a focus on non-state actors and failed states), back to a much more traditional model. This reversion to old-fashioned statecraft and national rivalries demanded a re-examination of the UK's diplomacy, strategic messaging and the full spectrum of deterrence. He felt it might be apposite that the Committee also take the opportunity to consider the implications of this shift. He planned to circulate a short paper in order to stimulate a wide-ranging and informal discussion among members at a symposium in the new year. The Committee welcomed the Chairman's proposal and wondered if there might be merit in considering particular topics or hypothetical scenarios and testing the current approach in addressing them.

Agenda Item 10 - Next Meeting

25. The next DSMA Committee meeting was planned to take place at 6pm on Thursday 6 May 2021 in MOD Main Building (COVID movement restrictions permitting). It would be preceded immediately by the media-side pre-meeting, which would begin at 1630 (slightly earlier than usual) allowing time for Director National Security (MOD) to host the Cyber brief and Q&A.

Geoffrey Dodds

Brigadier

Secretary

Defence and Security Media Advisory Committee 27 Nov 2020

Attachment:

Summary of the Secretary's Report Covering the Period 26 Apr- 25 Oct 20

Distribution:

All DSMA Committee Members

The DSMA Website

**SUMMARY OF SECRETARY’S REPORT TO THE DSMA
COMMITTEE COVERING ACTIVITIES DURING THE
PERIOD 26 APR – 25 OCT 20**

- No formal, supplementary DSMA notices were issued during this period.
- Defence and security media advice was sought on 66 occasions during this reporting period, a 38% increase over the previous period but still well below the historical average of 110 over 6 months. 28 requests were initiated by the media, 30 by Government officials and 8 by members of the public.
- The number of requests for advice on particular topics included:

UK Special Forces	25	Military Equipment	6
Intelligence Agencies	10	DSMA System	4
Nuclear Weapons	1	Historical	5
Counter-Terrorism	2	Members of the Public	7
Cyber	5	Miscellaneous	0
Current & Recent Military Ops	1		

In addition, the DSMA Committee’s secretariat assessed:

- Options to improve further the Committee’s transparency.
- The impact of the Law Commission’s Final Report on the Protection of Official Data.
- The impact of the recent RUSI study into ‘Terrorism and the Mass Media’.

The Committee’s Secretary did not promote the DSMA notice system during this period but will begin an online briefing programme in January 2021.