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Personnel Director

D/Personnel Dir/4/4 (398)

Dr David H Kelly

9 July 2003

*Dear Dr Kelly,*

DISCUSSIONS WITH THE MEDIA

1 I interviewed you with your line manager, Dr Bryan Wells on Friday 4 July, about your letter to him of 30 June in which you described your contacts with the media in general and Andrew Gilligan in particular. I explained that your letter had serious implications since, on the basis of your own account, you appeared to have broken departmental regulations in having unauthorised and unreported conversations with journalists. Your conversation with Andrew Gilligan also appeared to be relevant to the controversy surrounding allegations made by Gilligan about the Government's September 2002 dossier WMD. This letter is not concerned with those wider aspects, although we discussed them during the latter part of the interview on 4 July and at a subsequent meeting on 7 July.

2 During our interview you clarified and expanded on what you had said in your letter of 30 June and I asked you a number of follow-up questions. At the end, I concluded that you had indeed breached departmental instructions on numerous occasions by having conversations with journalists which had been neither authorised by nor reported to the MOD press office. I accepted your assurance that in general these were essentially background, technical briefings and that on many - but not all - occasions you had consulted the FCO press office informally. In the case of Gilligan, you had had two arranged meetings (in February and May 2003) subsequent to your initial contact in the margins of an ISS seminar last September. You had not sought permission or advice prior to either of these meetings and, until your letter of 30 June, had not thought to report them subsequently.

3. As I made clear, these are serious breaches of standard departmental procedure and you were unable to give me any satisfactory explanation for your

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behaviour. Your contact with Gilligan was particularly ill-judged. Your discussion with him in May has also had awkward consequences for both yourself and the department which could easily have been avoided. I accept your assurance that these consequences were unforeseen and unintended and, in particular that as you state in your letter you did not make any allegations or accusations about the preparation of the September 2002 dossier. I also concluded on the basis of your account that you had not divulged any classified or otherwise privileged information. On this basis, I have concluded that although your behaviour fell well short of the standard that I would expect from a civil servant of your standing and experience, it would not be appropriate to initiate formal disciplinary proceedings. You should, however, understand that any further breach of departmental guidelines in dealing with the media would almost certainly result in disciplinary action, with potentially serious consequences.

4. You should be absolutely clear that while you are working in the MOD you are required to seek explicit authority from your line manager and the MOD press office before agreeing to talk to journalists, even if there may be occasions when there may be advantage, additionally, in consulting the FCO. I would also urge you to be very cautious in any comments you might make at or in the margins of public seminars and the like. There is always the dangers that such remarks may be taken out of context.

5. I should also remind you that the possibility of disciplinary action could be reopened if any facts were to come to light which appeared to call into question the account and assurances that you gave to me.

6. I am sending a copy of this letter to Dr Wells as your line manager and a copy to Richard Scott at Dstl which will be placed on your personal file.

  
RICHARD HATFIELD

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