

ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

Minutes of Committee meeting held on Wednesday 7 December 2016

Present

Baroness Browning (Chair)
Mark Addison
Sir Alex Allan
Lord German
Mary Jo Jacobi
Terence Jagger
Baroness Liddell
John Wood

Secretariat

Peter Lawrence
Cat Marshall
Maggie O'Boyle
Nicola Richardson

Chair's Update

1. The Chair welcomed Peter Lawrence, the new Chief Executive of the Civil Service Commission and Head of Secretariat, who took up his post in November.
2. The Chair noted that she was keen to continue the programme of meetings with Permanent Secretaries to raise awareness of the Business Appointment Rules. HM Treasury and Cabinet Office are a priority and we are aiming for meetings with the Permanent Secretaries for these Departments in the New Year.
3. The Chair referred to the Committee's submission to PACAC calling for a proper cost-benefit analysis to inform any change in the business appointments system and the recommendation that a non-executive director on each Departmental Board should be given responsibility for business appointments governance. The Chair gave evidence to PACAC on 25 October, followed by Chris Skidmore (Minister for the Constitution) on 26 October. The Chair has met David Hine, the newly appointed adviser to PACAC's inquiry, for a general discussion on what a cost-benefit analysis might look like.
4. We are awaiting confirmation from the Cabinet office that they have implemented the Committee's recommendation to append the Business Appointment Rules to the Ministerial Code and to strengthen the definition of the lobbying ban. The Secretariat has been assured by the Cabinet Office that this is in train.
5. The Chair informed the Committee that the HR Director and Chair of the MOD Business Appointments Panel had moved on and that she planned to meet the

ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

new post holder once he/ she had been appointed. This would also be a good opportunity to meet with the relatively new Permanent Secretary

Minutes of the last meeting

6. The minutes of the previous meeting, held on 19 October 2016, were approved.

Lobbying ban

7. There was a discussion about how the Committee applies the lobbying ban. Where a potential business appointment may involve contact with Government, the Committee's focus is on considering the propriety of that contact and whether the individual or the company employing them stands to gain an unfair advantage.

Data retention and security

8. The Committee discussed its obligations under the Data Protection Act 1998 and the Freedom of Information Act 2000.

Communications

9. The Press Officer, Maggie O'Boyle, updated the Committee on recent press coverage.

Freedom of Information

10. The Secretariat provided an update on FOI casework. The First Tier Tribunal (Information Rights) had recently found against the Information Commissioner's Office in relation to the ICO's ruling (which upheld ACOBA's decision not to release the information requested¹). The ICO has sought permission from the Tribunal to appeal the decision. In another case, the ICO had recently upheld ACOBA's decision not to release the information requested.

Any Other Business

11. The next Committee meeting would take place on Wednesday 1 March 2017.

**Committee Secretariat
February 2017**

¹[http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i1895/Malnick,%20Edward%20E-A-2016-0055%20\(3-11-16\).PDF](http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i1895/Malnick,%20Edward%20E-A-2016-0055%20(3-11-16).PDF)