

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You approached the Committee for advice about taking up an appointment as Non Executive Chairman of CognitionX.

The Committee's role and remit

As you will be aware, it is the Committee's role to advise on the conditions that should apply to appointments or employment under the Government's Business Appointments Rules for Former Ministers (the Rules), which apply to former Ministers for two years after they leave office. The Rules seek to counter suspicion that:

- a) the decisions and statements of a serving Minister might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
- b) an employer could make improper use of official information to which a former Minister has had access; or
- c) there may be cause for concern about the appointment in some other particular respect.

When the Committee considers applications it must have in mind that Government has judged that it is in the public interest that former Ministers with experience in Government should be able to move into business or into other areas of public life, and to be able to start a new career or resume a former one. It is equally important that when a former Minister takes up a particular appointment or employment, there should be no cause for any suspicion of impropriety.

Non Executive Chairman, CognitionX

You informed the Committee that you propose to become Non Executive Chairman of CognitionX, a provider of research and personalised advice on artificial intelligence and emerging technologies. You said that your role would involve supporting and advising the

founders across all aspects of the business. The role is not likely to involve contact with Government.

You explained it would be part-time, involving 1-2 days per month; and the role will be unpaid, though equity is in discussion depending on your level of engagement and time commitment.

You noted there has been contact from time to time between DCMS and No.10 and Cognition X. This was described to you by the founders as general information gathering about artificial intelligence and understanding for policy purposes.

You explained that CognitionX provides research and newsletters via email on artificial intelligence and its impact on society and business so it is possible that some members of Government and the civil service subscribe to their online newsletters. The Secretary of State for Digital, Culture, Media and Sport, Matt Hancock, will be speaking at the CognitionX Festival of Artificial Intelligence in June.

You stated you had no official dealings with CognitionX or its competitors during your last two years in office and that you have no access to commercially sensitive information about any competitors.

The Permanent Secretaries at the Home Office (HO) and the Department for Digital, Culture, Media & Sport (DCMS) were consulted. Neither department is aware of any decisions made in your capacity as a Minister that would have benefited CognitionX. They have no concerns about this appointment.

DCMS advised that CognitionX is one of the department's stakeholders; *'We work with them across the AI portfolio ie attending each others events, seek their views/advice on issues. Whilst we do not currently have a contractual relationship with them this is something that we might consider in future.'*

There is no record on the publicly available transparency returns on Gov.uk of you having held any external meetings with CognitionX during your period of office.

The Committee's consideration

The Committee¹ noted that you had no official contact with CognitionX during your time in office and neither of your former departments are aware of you having made any decisions in your official capacity that would have benefited CognitionX. The risk of this appointment being perceived as a reward for decisions made or actions taken while in office is therefore low.

DCMS has explained that CognitionX is one of the department's stakeholders. In the circumstances, the Committee deems it appropriate to impose a lobbying ban which is

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Lord Michael German; Terence Jagger; Baroness Helen Liddell; Richard Thomas and John Wood. I recused myself from this application in line with ACOBA's published Code of Practice. This letter contains the Committee's advice, arrived at without my input and which I am signing and sending in my capacity as Chair of the Committee.

clarified to make clear that routine contact may occur on matters aligned with Government policy.

The Committee concluded the risk you will have access to commercially sensitive information or unannounced government policy is low, given you left DCMS over a year ago and ten months have passed since you left the Home Office. The risk that CognitionX will gain an unfair advantage as a result of your time in office on this basis is therefore low.

However, given the potential for a future contractual relationship between Government and CognitionX, the Committee has put in place a condition precluding you from advising on bids or contracts relating to the work of the UK Government.

Taking into account the specific facts in this case, in accordance with the Government's Business Appointment Rules, the Committee advises the appointment be subject to the following conditions:

- you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you as a Minister;
- for two years from your last day in Ministerial office, you should not undertake any work for CognitionX or its subsidiaries or partners that involves providing advice on the terms of, or with regard to the subject matter of, a bid or contract relating directly to the UK Government; and
- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government on behalf of CognitionX or its subsidiaries or partners. Neither should you make use, directly or indirectly, of your contacts in Government to influence policy or secure business or funding on their behalf. This does not preclude routine contact in the context of CognitionX's role as a DCMS stakeholder.

By 'privileged information' we mean official information to which a Minister or Crown servant has had access as a consequence of his or her office or employment and which has not been made publicly available. Applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act or otherwise.

The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant/Minister *"should not engage in communication with Government (Ministers, civil servants, including special advisers, and other relevant officials/public office holders) – wherever it takes place - with a view to influencing a Government decision, policy or contract award/grant in relation to their own interests or the interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office."*

I should be grateful if you would inform us as soon as you take up this appointment, or if it is announced that you will do so, either by returning the enclosed form or by emailing the office at the above address. We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments that have not been taken up or announced. This could lead to a false assumption being made about whether you had complied with the Ministerial Code. Similarly, I should be grateful if you would inform us if you propose to extend or otherwise change your role with the organisation as depending on the circumstances, it might be necessary for you to seek fresh advice.

Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website and include the main details of the application, together with the Advisory Committee's advice, in the regularly updated consolidated list on our website and in the next annual report.

The Baroness Browning

Baroness Joanna Shields OBE