



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. The Committee has now considered your application to take up a commission, via your independent consultancy, with Dataminr Inc.
2. Your last day in post as Commander of the Joint Forces Command¹ (JFC) was 9 May 2019, and you left Crown Service four months later on 12 September 2019. You told the Committee you had no contact with the MOD beyond that of administrative tasks during this time.

Commission details

3. Dataminr Inc. is an American incorporated company, operating globally. It describes itself as a '*leading AI platform for real-time event and risk detection*'. It says its AI (artificial intelligence) platform detects the earliest signals of high-impact events and emerging risks, enabling enterprise and public sector clients to know critical information first, respond and manage crises more effectively. Its customers range from public sector clients to those engaged with corporate risk, news organisations and energy companies.
4. You sought to take up a paid, part time commission with the company, which would involve advising on strategy and offering business development consulting services. This would be under a 12 month consulting agreement renewable by mutual agreement. You noted your work would not involve any contact with the MOD. You said you will have no role in regard to the pre-existing MOD contract that Dataminr holds, emphasising to the Committee that your aim is to provide global strategic advice rather than advice relating to the MOD, which only constitutes a small part of Dataminr's business.
5. You noted that though you did not have any direct contact with Dataminr whilst in post at JFC, you were part of the JFC Innovation Committee (the Innovation Committee) which approved the awarding of a contract to Dataminr after they ran a successful pilot programme with the JFC innovation unit, jHub. You explained that Dataminr were, at the time, the only viable candidates for the work that JFC was looking for. You notified

¹ Now known as UK Strategic Command

the Committee that this remains an ongoing contract with the MOD providing real time alerting for Special Forces, Defence Intelligence and others. (jHub is responsible for connecting JFC's needs with innovative, new suppliers. After assessing whether there is sufficient user desirability, technical feasibility and business viability, jHub then runs a pilot programme with the potential provider. If this pilot is successful the business will then be presented to the Innovation Committee where a decision is made whether to award further funding with a view to bringing the programme into central operations.)

6. The MOD Business Appointments Panel considered your application and confirmed the information you provided. The MOD said your involvement in matters related to Dataminr was limited to your sitting on the Innovation Committee. It confirmed the Innovation Committee consists of 5 members including yourself (Director of Resources, Director of Capability, Chief of Staff and Head of Commercial); and that it's role was to consider the proposal presented by jHub to bring the programme into central operations following the pilot. It further confirmed Datminr was the only company capable of delivering the MOD's requirements; and all 5 members of the Innovation Committee had equal votes on the decision. The MOD said the value of the contracts with Dataminr was £2 million for June 2018 to June 2019 and £2.5 million for June 2019 to June 2020.
7. The MOD confirmed the current contract with Dataminr comes to an end in June 2020 but it was unable to confirm if a further contract would be discussed or agreed, and given the impact of the current public health crisis, it was unable to provide further details on the possible timeline of any such discussions, or if they would take place.
8. Whilst the MOD confirmed you had no direct involvement in specific policy regarding Dataminr it also noted that you have knowledge of the UK's cyber capabilities, expansion opportunities and military technology developments. The panel did however note that much of this exists in the public domain.
9. The MOD raised no concerns with you taking up this commission given the conditions applied to your independent consultancy.

The Committee's consideration

10. The Committee agreed this commission fits within the terms of your consultancy, which was previously described as:
 - activities of venture and development capital companies;
 - management consultancy activities other than financial management;
 - general public administration activities; and
 - regulation of, and contribution to, more efficient operation of business.
11. The Committee² considered whether there is a risk, under the Government's Business Appointment Rules, that this might be seen as a reward for decisions or actions taken whilst in office. This risk arises specifically given the contractual relationship between the MOD and Dataminr. However, the following mitigating factors were significant to the Committee's consideration:

² This application for advice was considered by Sir Alex Allan; Johnathan Baume; Dr Susan Liautaud; Rt Hon Lord Eric Pickles; Richard Thomas; Mike Weir; John Wood and Lord Larry Whitty.

- you had no official dealings with Dataminr whilst at JFC
 - Dataminr would have had to operate a successful pilot project with jHub, before their contract would have been considered by the Innovation Committee
 - your exposure to Dataminr was limited to your role on the Innovation Committee and although, though you were a decision maker in the contract process at this final stage, the 4 other members of the committee had an equal vote on the decision
 - the original decision to award a contract was made nearly 2 years ago
 - you and the MOD both confirmed that, at the time, there were no other companies capable of delivering the MODs requirements.
12. In the circumstances, the Committee determined the risk that you made decisions in office in expectation of this work is low.
 13. The Committee also considered the risk you could be seen to offer an unfair advantage by virtue of your influence and contacts within the MOD. However, the conditions applied to your independent consultancy prevent you from lobbying the UK Government and the MOD and from advising on bids and contracts with the MOD to help mitigate these potential risks. Should, for example, Dataminr seek to influence Government policy, the conditions seek to prevent you from offering them an unfair advantage in this regard.
 14. One of the Committee's main concerns under the Government's Business Appointments Rules was that you may be seen to offer an unfair advantage in advising the company on future contracts, or renewals and extensions to the existing contract with the MOD. In particular, given your knowledge of these processes. As above, the conditions applied to your consultancy prevent you from advising on contracts with the MOD. However, given the potential for specific discussions between the MOD and Dataminr, the Committee considered it appropriate to apply a further condition specifying that you should not be involved in any way with the current Dataminr contract, or any potential renegotiation of it, whether that be a renewal, an extension or a continuation. The Committee noted this is in keeping with your intended role at Dataminr.
 15. The Committee noted a generalised risk you could offer information about future MOD capabilities and that your experience in post and your knowledge of JFC and indeed wider MOD strategies, policies and processes could unfairly benefit Dataminr. The MOD had no concerns about your access to commercially sensitive information about Dataminr's competitors, and you are, as with all applicants, prevented from drawing on any provided information from your time in office. The Committee also considered it was significant that it has been 11 months since your last day in a post at JFC (with responsibility or access to information about the MOD) and 7 months since you left Crown service. This significantly reduces the risks in relation to your access to information. However, to mitigate the inherent risks that you, as the former Commander JFC, offer insight into the UK defence market that Dataminr may not otherwise have access to, the Committee has advised a further condition preventing you from advising on the UK defence market. The Committee recognised this restriction is in keeping with your proposed work for Dataminr which is not focussed on UK defence, but on offering global strategic advice.
 16. The Committee considered the closeness between your role in office and this work (in particular the contract explored above), the Committee determined it was

appropriate for there to be a significant gap between you leaving the MOD and taking up this work. As such a waiting period would normally be required to put a gap between your time in office and taking up this role with Dataminr. In this case the Committee decided that the time that had passed since you last had access to information or had any decision making responsibility (11 months since you were in post as JFC commander and 7 months since you left service) was sufficient mitigation.

17. The Committee therefore recommends that this commission with **Dataminr** be subject to the conditions previously advised be attached to your independent consultancy, as follows:
 - you should not draw on (disclose or use for the benefit of yourself or the organisations to which this advice refers) any privileged information available to you from your time in Crown service;
 - for two years from your last day in Crown service, you should not become personally involved in lobbying the UK Government on behalf of your clients, or their partners or subsidiaries. you should not make use, directly or indirectly, of your contacts in Government and/ or Crown service to influence government policy, or secure business or funding on their behalf;
 - for two years from your last day in Crown service, you should not become personally involved in lobbying contacts you have developed during Crown service, within other Governments and organisations (e.g jHub), for the purpose of securing business for your independent consultancy, its subsidiaries, partners or clients;
 - for two years from your last day in Crown service, you should not undertake any work as a consultant that involves providing advice to any company organisation on the terms of, or with regard to the subject matter of, a bid or contract relating directly to the work of the UK Ministry of Defence or its trading funds; and
 - for two years from your last day in Crown service, before accepting any commissions and/ or before extending or otherwise changing the nature of any commission or your role (including within Dataminr), you should seek advice from the Committee. The Committee will decide whether each commission or role is consistent with the terms of the consultancy and consider any relevant factors under the Business appointment Rules.
18. In addition the Committee considered this commission with **Dataminr** be subject to the following two conditions:
 - **for two years from your last day in Crown Service, you should not advise Dataminr on any UK Defence requirements.**
 - **for two years from your last day in Crown Service you should not involve yourself in work related to existing Dataminr contracts with the MOD or the UK Government, nor advise or work on any bid Dataminr may make for an extension, renewal, resubmission or expansion of such.**
19. By 'privileged information' we mean official information to which a Minister or Crown servant has had access as a consequence of his or your 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, the Civil Service Code or otherwise.

20. 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.”
21. I should be grateful if you would inform us as soon as you take up employment with this organisation, or if it is announced that you will do so. 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 have complied with the Rules.
22. Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.
23. Once this commission has been publicly announced or taken up, we will publish this letter on the Committee’s website, and where appropriate, refer to it in the relevant annual report.

Sam Lynch
Committee Secretariat