



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You sought the Committee's advice about taking up an appointment with survivorNET Inc (survivorNET).

The Committee's remit

2. It is the Committee's role to advise on any 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.

3. 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.

4. When the Committee considers applications it must have in mind that Government 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.

5. It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

Appointment details

6. You sought the Committee's advice on taking up an appointment as a Non-executive Director with survivorNET. This appointment is a paid, part time position with 5-10 days' work per year. You explained this will involve the usual requirements on a Non-executive Director as well as providing guidance to the management team on strategy growth and corporate planning alongside assisting with fundraising, capital structure and potential acquisitions.

7. survivorNET is a US based startup digital media company focussed on health information about cancer and chronic disease. It provides a support network to healthcare users in the US with chronic health conditions. There is no known relationship between HMG and survivorNET. GSK and its subsidiary Tesaro were also listed as being customers of survivorNET.

8. You confirmed you had no contact with survivorNET whilst in office; you did not receive any commercially sensitive materials regarding survivorNET during your time as a minister; and you were not involved in direct policy related issues with regard to survivorNET and its business. You confirmed you were not involved in the award of contracts in the sector, nor any relevant regulatory work. You informed the Committee that you had meetings with a number of healthcare companies such as Astra Zenecka and GSK.

9. The Department for International Trade noted you had broad policy responsibility for UK exports but this was not seen to have impacted survivorNET. It confirmed you had no official dealings with survivorNET whilst in office. As to the meetings with healthcare companies mentioned, the department's views were that it was unlikely that there were any meetings or any access to information that amounted to a conflict for her role as Non-executive Director.

The Committee's consideration

10. Given that you had no contact with survivorNET whilst in office, did not award any contracts to them and were not involved in direct policy related issues with regard to survivorNET and its business the Committee¹ considered the risk you were offered this role as a reward for decisions you made whilst in office is low.

11. Although you had no involvement in policy development affecting survivorNET specifically, the Committee noted you were exposed to a broad range of information in your role as Minister for Trade and Export Promotion. You had some broad engagement with companies in the global pharmaceutical sector (including those that may work with survivorNET in the US. You are prevented from using of privileged information helps mitigate any inherent risks associated with your exposure to information, noting the time that has passed and that your former department has no concerns in this regard.

12. There are inherent risks when applicants have held ministerial office that you have a network of contacts within the UK Government. Whilst the risk here seems low given the nature of the US based company, the Committee would draw your attention to the restriction on drawing on your contacts in the UK Government to the unfair advantage of survivorNET and the ban on advising on bids and contacts with the UK Government.

13. In accordance with the Government's Business Appointment Rules, the Committee advises this appointment be subject to the following conditions:

- that 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 Ministerial office;
- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government and the NHS on behalf of

¹This application was considered by Sir Alex Allan; Jonathan Baume; Richard Thomas; Mike Weir; Lord Larry Whitty; Dr Susan Liautaud; The Rt Hon. Lord Eric Pickles and John Wood

survivorNET (including parent companies, subsidiaries, partners, customers and clients); nor should you make use, directly or indirectly, of your contacts in the Government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage survivorNET (including parent companies, subsidiaries, partners, customers and clients)

- for two years from your last day in office you should not advise survivorNET or its partners, customers or clients on the terms of, or with regard to the subject matter of, a bid or contract with, or relating directly to the work of the UK Government or the NHS.

14. 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, the Civil Service Code or otherwise.

15. 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.

16. I should be grateful if you would inform us as soon as you take up this role, 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 had complied with the Rules and the Ministerial Code.

17. 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.

18. Once the appointment 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.

Baroness Rona Fairhead CBE

Rt Hon The Lord Pickles