



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

Room G/8, 1 Horse Guards Road, London, SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://www.gov.uk/acoba>

December 2020

BUSINESS APPOINTMENT APPLICATION: MR CIARAN MARTIN, CB

1. The Committee has been asked to consider an application from Mr Ciaran Martin, Chief Executive at National Cyber Security Centre, part of GCHQ, on taking up an appointment with the Scottish Business Resilience Centre.
2. Mr Martin's last day in post and service was 31 August 2020.

Application Details

3. Mr Martin seeks to take up an unpaid, part-time role involving 3 days of work per year, as a Non Executive Director at the Scottish Business Resilience Centre (SBRC). SBRC's website states it is a non-profit organisation, bringing together Police Scotland, the Scottish Fire and Rescue Service and the Scottish Government, with knowledge on legislation, threats and criminal trends to provide advice to safeguard customers and business. It operates in a number of work streams across Scotland, including cyber security, premises and employee safety.
4. Mr Martin stated as a Non-Executive Board Member, he intends to '*attend three board meetings per year, and next year, present an awards ceremony*', and may also help with seminars on resilience. He expects that he might encounter NCSC or other UK Government staff at SBRC events, such as at the awards ceremony or resilience seminars. However he is clear he will not make official contact or lobby the UK Government.
5. Mr Martin stated that as a stakeholder, and one of the '*most effective non-Governmental organisations in the UK in terms of bringing together the public and private sectors to manage cyber risk*', on visiting Scotland twice a year he met with SBRC and once addressed its conference. He states he did not have access to commercial information regarding SBRC.
6. Additionally he added that the NCSC launched a free tool product for businesses to cope with cyber attacks - '*Expertise in a Box*'. The Scottish Government independently

issued a tender for an organisation to promote this in Scotland, which SBRC won in August 2020. The NCSC and Mr Martin had no involvement in this tender.

7. GCHQ confirmed the details given in Mr Martin's application - that he had no official contact with SBRC outside of those mentioned; he was not involved in decisions specifically affecting SBRC.
8. The department stated it had no issues with Mr Martin taking up this unpaid, part-time role, adding it '*cannot see how this appointment could be regarded as unfair or improper*'.

The Committee's consideration

9. When considering this application, the Committee¹ took into account that Mr Martin met with SBRC as a stakeholder when visiting Scotland twice a year and once addressed its conference. It also noted that SBRC won a tender issued by the Scottish Government for the promotion of the NCSC '*Expertise in a Box*' product in Scotland. However, Mr Martin had no official contact with SBRC outside of that listed, he made no decisions in relation to SBRC specifically and the department has no concerns about the propriety of this appointment. The Committee considered the risk he could be seen to have been awarded this unpaid post for decisions or action taken is low.
10. The department confirmed the details provided by Mr Martin. The Committee noted that as former Chief Executive at NCSC, there is an inherent risk that the wider information and contacts he may have gained in post could be perceived to cause an unfair advantage to any organisation operating in a similar field. However, Mr Martin is prevented from drawing on any privileged information from his time in office. Further, he has made it clear should he encounter any government officials at SBRC events, he will not make official contact, nor lobby the Government. Nevertheless, the Committee would draw Mr Martin's attention to the conditions below which include a ban on using privileged information, a ban on lobbying the UK Government and on a ban on advising on bids or contracts with the UK Government, sufficiently mitigating the risks in this case.
11. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee's [advice to the Prime Minister is that] this appointment be subject to the following conditions:
 - that he should not draw on (disclose or use for the benefit of the organisation to which this advice refers) any privileged information available to him from his time in Crown service;
 - for two years from his last day in Crown service, he should not become personally involved in lobbying the UK Government on behalf of Scottish Business Resilience Centre (including clients, parent companies, subsidiaries and partners), nor should he make use, directly or indirectly, of government/Whitehall contacts to influence policy, secure funding/business or otherwise unfairly advantage Scottish Business Resilience Centre (including client parent companies, subsidiaries and partners); and

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

- for two years from his last day in Crown service he should not provide advice to Scottish Business Resilience Centre (including parent companies, subsidiaries, partners and clients), in relation to the terms of a bid with, or contract relating directly to the work of the UK Government.
12. 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.
 13. 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."
 14. [I should be grateful if you would inform us as soon as Mr Martin takes up employment with this organisation, or if it is announced that Mar Martin 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 Mr Martin has complied with the Rules.
 15. Please also inform us if Mr Martin proposes 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.]
 16. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website and in the relevant annual report.

Yours sincerely

Andrea Benjamin
Committee Secretariat