



## **OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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### **Business Appointment Application: Sir Jeremy Fleming KCMG CB, former Director of the Government Communications Headquarters (GCHQ). Paid appointment with Gallos.**

1. Sir Jeremy, former Director of GCHQ, sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for Former Crown Servants (the Rules) on an appointment he wishes to take up with Gallos as Chair of Advisory Board.
2. The purpose of the Rules is to protect the integrity of the government. The Committee has considered the risks associated with the actions and decisions made during Sir Jeremy's time in office, alongside the information and influence he may offer Gallos. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee's advice is not an endorsement of the appointment - it imposes a number of conditions to mitigate the potential risks to the government associated with the appointment under the Rules.
4. The Rules set out that Crown servants must abide by the Committee's advice<sup>1</sup>. It is an applicant's personal responsibility to manage the propriety of any appointment. Former Crown servants are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

### **The Committee's Consideration of the risks presented**

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<sup>1</sup> Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The King's Regulations and the Diplomatic Service Code

5. Sir Jeremy did not meet with Gallos, nor make any decision specific to the company during his time in service. As such, the Committee<sup>2</sup> considered there is no reason it might be perceived this appointment is a reward for decisions made or actions taken in office.
6. As the former Director of GCHQ, Sir Jeremy would have had access to a range of particularly sensitive information, including that which relates to cyber, technology and investment opportunities within these sectors. As a result there are real and perceived risks he could offer Gallos an unfair advantage due to insight gained in office. Government said it was not concerned about any specific information he had access to in relation to this company and matters affecting it, considering the waiting period of three months in this case was sufficient to manage the general nature of the risks. It also noted the restrictions on making use of any such privileged information given his ongoing duty of confidentiality. The Committee agreed that it would not be appropriate to prevent him from making general use of his skills and experience in this broad area, provided the risks here are appropriately mitigated.
7. As the former Director at GCHQ there is a risk Sir Jeremy will have gained contacts as a result of his time within the UK government and with private companies - which could assist Gallos unfairly in regard to providing access to government.

### **The Committee's advice**

8. Whilst this is not a direct overlap with Sir Jeremy's decisions in office, as the former Director of GCHQ it does overlap more generally. It is likely he will have access to a range of sensitive information that could be seen to benefit the vast majority of potential employers - particularly those with a security focus. The standard conditions below prevent him from making improper use of his privileged access to information and contacts from his time in office, alongside his ongoing duty of confidentiality and other provisions (such as the Official Secrets Act).
9. The Committee considered a wait is necessary where an overlap such as this exists at this level. It agreed with government that the 3 month waiting period Sir Jeremy should expect to serve as standard under government's Rules, is appropriate the circumstances.
10. The Committee advises that under the government's Business Appointment Rules, that this role with **Gallos Technologies Ltd** should be subject to the following conditions:
  - a waiting period of three months from his last day in Crown service;

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<sup>2</sup> This application for advice was considered by Andrew Cumpsty; Richard Thomas; Isabel Doverly; The Rt Hon Lord Pickles and Mike Weir. Sarah de Gay and Jonathan Baume were unavailable.

- He should not draw on (disclose or use for the benefit of himself or the persons or organisations 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 Gallos Technologies Ltd (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in the government and/or Crown service contacts to influence policy, secure business/funding or otherwise unfairly advantage Gallos Technologies Ltd (including parent companies, subsidiaries, partners and clients);
  - for two years from his last day in Crown service, he should not become personally involved in lobbying contacts he has developed during his time in office and in other governments and organisations for the purpose of securing business for Gallos Technologies Ltd (including parent companies, subsidiaries and partners); and
  - for two years from his last day in Crown service, he should not provide advice to Gallos Technologies Ltd (including parent companies, subsidiaries, partners and clients) on the terms of, or with regard to the subject matter of, a bid with, or contract relating directly to the work of the UK government.
11. The advice and the conditions under the government's Business Appointment Rules relate to an individual's previous role in government only; they are separate to rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists or the Parliamentary Commissioner for Standards. It is an applicant's personal responsibility to understand any other rules and regulations they may be subject to in parallel with this Committee's advice.
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, the Civil Service Code 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. Sir Jeremy must inform us as soon as he takes up employment with this organisation, or if it is announced that he will do so. Likewise if he proposes to extend or otherwise change the nature of his role as, depending on the circumstances, it may be necessary for him to make a fresh application.

15. 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.

Yours Sincerely,

Isabella Wynn  
**Committee Secretariat**

## **Annex - Material information**

### The role

1. Sir Jeremy described Gallos as a venture capital and investment firm specialising in security technology companies. The website states Gallos builds and invests in world-class startups focusing solely on security innovation. The company focuses on co-building security technology startups, based on nation-state technologies that are generations ahead, '*...combining security expertise, investment know-how and highly connected patient capital to create value*'.
2. Sir Jeremy said he will become Chair of Gallos technology's advisory board. He said he will be helping to inform and shape Gallos' strategy in respect of the sectors and technologies they develop in the US and Europe. He said he will also help Gallos' leadership team scale the company and its governance. He confirmed his role will not involve contact with the government.

### Dealings in office

3. Sir Jeremy advised the Committee he did not meet with Gallos while in service. As such was not involved in any commercial or contractual decisions relating to Gallos. He also told the Committee he did not have any involvement in any relevant policy development or decisions that would have affected Gallos and

did not meet with its competitors; nor did he have access to sensitive information regarding these competitors.

4. Sir Jeremy said he will have been briefed on investment activities of the National Security Strategic Investment Fund (NSSIF) (a UK Intelligence Community joint venture with the British Business Bank which co-invests in technology companies of relevance to National Security. NSSIF deals with a broad range of PE and VC bodies.

#### Department Assessment

5. The Cabinet Office, including the National Security Secretariat provided a view on this application. They confirmed that neither the Cabinet Office, nor GCHQ have a relationship with Gallos.
6. The Cabinet Office noted Sir Jeremy is a very senior civil servant in a sensitive area of public service. It stated *'While it is possible that Sir Jeremy could have information that could be relevant to his new employer, there is nothing to suggest that this is a significant concern for this particular proposed role'*. This included any information that formed part of the briefing he received on the investments of NSSIF.
7. All departments confirmed they had no concerns with this appointment and recommended the standard conditions and waiting period of three months should apply - to mitigate any risks relating to his general access to information.