



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 Quantexa.

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 Quantexa as an advisor.
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 Quantexa. 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 advice¹. 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

5. There is a contractual relationship with the government, Quantexa has a framework agreement with Crown Commercial Services for 'off the shelf' software for big data and analytics. It also has a contractual relationship with

¹ 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

Cabinet Office but does not hold any contacts with Sir Jeremy's former department (GCHQ), and Sir Jeremy did not meet with, nor made any decisions specific to the company during his time in service. As such, the Committee² 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 geopolitics, security risks, particularly cyber. As a result there are real and perceived risks he could offer Quantexa an unfair advantage due to insight he could have gained in office around government capabilities in these areas. Government confirmed that whilst he would have had broad access to privileged information, it considered the risk associated with any specific information related to this company and matters affecting it was low. It advised the Committee that the standard waiting period of three months in this case was sufficient.
7. There is a risk Sir Jeremy's influence and contacts within government could be perceived to assist Quantexa unfairly, though it is noted Sir Jeremy will have no contact with the government in this role.

The Committee's advice

8. Whilst this is not a direct overlap with Sir Jeremy's role in office, as the former Director of GCHQ he will have access to a range of sensitive information that could be seen to benefit the vast majority of potential employers. In this case, his insight into the use of digital tech to identify and manage security risks is particularly relevant and the company will no doubt benefit from his skills and expertise in this area. Under government's Rules, Sir Jeremy is also subject to a three month waiting period due to his seniority in government and the range of information he would be exposed to. This provides a suitable gap between his access to sensitive information and decision making and taking up this appointment.
9. The standard conditions below prevent him from making improper use of privileged information and contacts gained in office, alongside his ongoing duty of confidentiality.
10. The Committee's advice, under the government's Business Appointment Rules, that this role with **Quantexa** should be subject to the following conditions:
 - 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 Quantexa

² This application for advice was considered by Andrew Cumpsty; Richard Thomas; Isabel Doverty; The Rt Hon Lord Pickles; Mike Weir and Baroness Jones of Whitchurch. Sarah de Gay and Jonathan Baume were unavailable.

(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 Quantexa (including parent companies, subsidiaries, partners and clients); and

- for two years from his last day in Crown service, he should not provide advice to Quantexa (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. You must inform us as soon as Sir Jeremy takes up employment with this organisation, or if it is announced that he will do so. Please also inform us if Sir Jeremy 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 A - Material information

The role

1. Quantexa's website states that it pioneered network analytics, and uses data and analytics technology to help organisations identify and connect the relationships which matter most to enable better operational decisions. Quantexa's website states that it works across banking, insurance and the public sector. Quantexa's website says that its government work has included work for tax authorities, healthcare, customs agencies, border control and fraud, waste and abuse investigation.
2. Sir Jeremy said he will be a consultant/advisor to Quantexa's CEO and a member of the advisory board. He noted Quantexa has a contractual relationship with government and he would not have contact with government in relation to these or prospective contracts.

Dealings in office

3. Sir Jeremy advised the Committee he did not meet with Quantexa while in office and was not involved in any commercial or contractual decisions relating to Quantexa. He also told the Committee he did not have any involvement in any relevant policy development or decisions that would have affected Quantexa and did not meet with its competitors; nor did he have access to sensitive information regarding these competitors.
4. Sir Jeremy said as Director of GCHQ he met with a broad range of data analysis companies in the UK, Europe, US and India/ Pacific.

Department Assessment

5. The Cabinet Office confirmed there are three contracts with Quantexa that range in value from £362k to £3.2m. Two via Crown Commercial Service³ frameworks and there are no contracts with GCHQ
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'*. It noted he will undoubtedly have a deep and wide understanding of technology and, in particular, its relation to national security. However, much of this is general skills and experience.
7. The Cabinet Office said that Sir Jeremy's role at GCHQ would not necessarily expose him to a wide range of undeclared policy information (given its operational nature). He is subject to the three month waiting period that applied

³ <https://www.crowncommercial.gov.uk/>

to the most senior Civil Servants which it stated should be sufficient to manage the risks around his general access to information. The three month wait and standard conditions were recommended.

8. The National Security Secretariat also provided their view in this case and confirmed that they have no concerns relating to this appointment.