



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

G/7 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

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

November 2023

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

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 Planet Labs PBC (Planet Labs) 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 Planet Labs. 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.

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

The Committee's consideration of the risks presented

5. Sir Jeremy was not involved in any decisions specific to Planet Labs whilst he was in office, nor is there a commercial relationship between the company and his former department. Therefore, the Committee² considered that the risk that this role could reasonably be seen as a reward for his decisions in office is low.
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 data, technology and investment opportunities within tech and data within the intelligence sector. As a result there are real and perceived risks he could offer Planet Labs 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. It also noted the restrictions on making use of any such privileged information given his ongoing duty of confidentiality. It is also relevant that Sir Jeremy has now been out of office for 6 months, creating a sufficient gap between his access to information and the start of his new role with Planet Labs.
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. This could assist Planet Labs unfairly in regard to providing access to government and in external organisations given that Sir Jeremy's role as an advisor will focus in part on global business development.

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 data and intelligence 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 3 month waiting period standard under government's Rules, has now expired as Sir Jeremy has been out of office for 6 months.
10. The Committee advises that under the government's Business Appointment Rules, that this role with **Planet Labs PBC** 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;

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

- for two years from his last day in Crown service, he should not become personally involved in lobbying the UK government or its Arm's Length Bodies on behalf of Planet Labs PBC (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 Planet Labs PBC (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 in other governments and organisations for the purpose of securing business for Planet Labs PBC (including parent companies, subsidiaries and partners); and
 - for two years from his last day in Crown service, he should not provide advice to Planet Labs PBC (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 or its Arm's Length Bodies.
11. The advice and the conditions under the government's Business Appointment Rules relate to an applicant's previous role in government only; they are separate from rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists, the Parliamentary Commissioner for Standards and the Registrar of Lords' Interests³. 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. Please also inform us if he proposes to extend or otherwise

³ All Peers and Members of Parliament are prevented from paid lobbying under the House of Commons Code of Conduct and the Code of Conduct for Members of the House of Lords. Advice on your obligations under the Code can be sought from the Parliamentary Commissioners for Standards, in the case of MPs, or the Registrar of Lords' Interests, in the case of peers

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

Jess Barrow
Committee Secretariat

Annex - material information

The role

1. Sir Jeremy wishes to take up a part-time, paid role as an Advisor for Planet Labs PBC (Planet Labs). Sir Jeremy said that his overall responsibilities will be to:
 - help Planet Labs grow its global business
 - consider the impact of geopolitics on its strategies
 - shape leadership and ethos approaches
 - provide insight into data analysis strategies and its public narrative on data
 - consider developments in international regulatory activities.

Sir Jeremy will have no contact with government in this role.

2. Planet Labs is a US-based Earth imaging company and designer and operator of satellites. It aims to provide daily satellite images of the Earth so changes can be tracked and/or monitored. Its website says that businesses, governments and research institutions use its data and platforms to scale operations, increase efficiency, mitigate risks, and address challenges. Planet Labs works across a range of industries, including government and defence. In particular it works with the US government on defence.

Dealings in office

3. Sir Jeremy advised the Committee that he met Planet Lab's chief executive at a tech conference in 2022. He then visited its headquarters as part of a programme set up by the San Francisco Consular General (the UK's Tech Envoy) in December 2022. Sir Jeremy confirmed that there were no commercial or policy discussions during this visit.
4. He said he was not involved in any commercial or contractual decisions relating to Planet Labs. He also told the Committee he did not have any involvement in any relevant policy development or decisions that would have affected Planet Labs specifically. He did not meet with its competitors; nor did he have access to sensitive information regarding these competitors.

Department assessment

5. The Cabinet Office and GCHQ confirmed the details in Sir Jeremy's application.
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'*.
7. The Cabinet Office and GCHQ have no contractual relationship with Planet Labs, but Planet Labs does have a relationship with with government:
 - Planet Labs is part of a world space partnership with the UK Space Agency⁴. The International Bilateral Fund is a £20 million investment with organisations from across the world aimed at strengthening relationships to advance the UK's goals in space.
 - Planet labs has a multi year contract with the Rural Payments Agency (an executive agency of Defra) to deliver environmental monitoring through satellite imaging.
8. The Cabinet Office and GCHQ confirmed that they had no particular concerns about this application, but reminded Sir Jeremy of his ongoing duty of confidentiality.

4

<https://www.gov.uk/government/news/pioneering-worldwide-space-partnerships-to-boost-uk-innovation>