



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>

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BUSINESS APPOINTMENT APPLICATION: Gaven Smith CB FReng, former Director General Technology GCHQ - paid appointment with Beyond Blue Limited

1. Mr Smith 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 his proposal to work with Beyond Blue Limited (Beyond Blue).
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 Mr Smith made during his time in office, alongside the information and influence he may offer Beyond Blue. 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 Rules¹ set out that Crown servants must abide by the Committee's advice. 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 risk presented

5. There is no known relationship between Beyond Blue and GCHQ. Mr Smith did

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.

not meet with Beyond Blue, nor did he make any decisions specific to the company during his time in service. As such, the Committee² considered there is no reason it might be perceived that this appointment is a reward for decisions made or actions taken in office.

6. As Director General Technology, Mr Smith would have had access to a range of particularly sensitive information, including that which relates to technology within the sector Beyond Blue operates in. It is significant that the policy responsibility for cyber security did not sit within Mr Smith's, nor his former department's, responsibilities. Rather, cyber security policy sat with the National Cyber Security Centre (NCSC). The information he had access to could be relevant to any number of companies, and the risk is broad, not specific to Beyond Blue.
7. It is also relevant that Mr Smith planned with GCHQ to have a break from his time in office before taking up an outside role. He stepped aside from his role as Director General Technology on 3 November 2023 and he has had no access to information since.
8. The unknown nature of Beyond Blue's clients means that it is difficult to determine the precise work that Mr Smith will undertake. Therefore there is a risk he may be asked to advise on matters that have some overlap with his responsibilities in office, or with companies he had specific involvement with in office.

The Committee's advice

9. The Committee determined the risks identified in this application can be appropriately mitigated by the conditions below. These make it clear Mr Smith cannot make use of information or influence gained from his time in Crown service to the unfair advantage of Beyond Blue or its clients.
10. Alongside the standard conditions, the Committee imposed a restriction on lobbying contacts he made in other governments and organisations outside of GCHQ and the UK government for the purpose of securing business for Beyond Blue.
11. Additionally, due to the nature of the unknown clients Mr Smith will be advising, the Committee has imposed a condition which makes clear that in working with Beyond Blue and its clients, Mr Smith should not advise on any areas that relate

² This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Hedley Finn OBE; Sarah de Gay; The Rt Hon Baroness Jones of Whitchurch; Dawid Konotey-Ahulu CBE; The Rt Hon Lord Eric Pickles; Michael Prescott; and Mike Weir.

to matters he had material role in developing or determining during his time as Director General Technology.

12. Mr Smith has been on leave from his role as Director General of Technology since 3 November. This will create a gap of three months between his access to information and his proposed start with Beyond Blue. In the circumstances of this application, the Committee deemed this an appropriate gap.

13. The Committee advises, under the government's Business Appointment Rules, that Mr Smith's appointment with **Beyond Blue Limited** 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 government or any of its arm's length bodies on behalf of Beyond Blue Limited (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Beyond Blue Limited (including parent companies, subsidiaries, partners and clients);
- for two years from his last day in Crown service, he should not provide advice to Beyond Blue Limited (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;
- for two years from his last day in Crown service, he should not become personally involved in lobbying contacts he developed during his time in office in other governments and external organisations for the purpose of securing business for Beyond Blue Limited;
- for two years since his last day in office, he should not advise Beyond Blue Limited or its clients on any work with regard to any decisions which he had a material role in developing or determining, or where he had a relationship with the relevant client during his time as Director General Technology GCHQ.

14. The advice and the conditions under the government's Business Appointment Rules relate to his 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.

15. 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 Ministerial Code/Civil Service Code or otherwise.
16. 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.*"
17. Mr Smith must inform us as soon as he takes up this work or if it is announced that he will do so. Similarly, he must inform us if he proposes to extend or otherwise change his role with the organisation as depending on the circumstances, it might be necessary for him to seek fresh advice.
18. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website.

Yours sincerely

Jessica Barrow
Committee Secretariat

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

Annex- material information

The role

1. Mr Smith wishes to take up a paid, part-time role with Beyond Blue Limited, as a Non-executive Director (NED) and Advisory Board Chair. Mr Smith said that his role will involve advising the board and occasionally clients on cyber security, drawing on his technical expertise and ability to explain complex technology.
2. Beyond Blue is a cyber security and resilience consultancy. Its website states that it '*...specialises in assisting and advising boards and senior management...in dealing with the challenges cyber and resilience poses for leadership.*' As part of their core services they provide:
 - a. advice on national strategies, corporate strategies, crisis management, cyber and resilience issues;
 - b. develop and run training and capacity building exercises;
 - c. independent reviewing of your threat landscape and risk exposure.
3. Mr Smith stated explicitly that there will be no contact with the government. Mr Smith also wanted to let the Committee know that he has been explicit to prospective employers that he will not engage in any business development with government, or the intelligence agencies; nor will he provide access to his network. He considers there is little risk because:
 - a. He cannot offer Beyond Blue any commercial or policy knowledge.
 - b. There is no commercial relationship between Beyond Blue and GCHQ, or the National Cyber Security Centre.
4. Mr Smith did not apply for this role. He was approached by the Managing Director in July 2023 and asked if he wanted to take up the role of NED. At this stage, Mr Smith was actively seeking new opportunities.

Dealings in office

5. Mr Smith advised the Committee that he had no contact with Beyond Blue relevant to this role. He also told the Committee that he was not involved in any relevant policy development or decisions that would have affected Beyond Blue and did not meet with its competitors; nor did he have access to sensitive information regarding its competitors.
6. Mr Smith said that as Director General Technology at GCHQ, he was responsible for very little technology policy. That is because policy is either owned by the operational policy team in GCHQ or by other departments in government e.g. DSIT, and ultimately set by the National Technology Council

and National Security Council. Mr Smith said his role in office was heavily leadership and delivery focused - being responsible for GCHQ's technical capability that enables it to deliver its mission and for driving the innovation to meet future technological challenges - rather than policy based.

Departmental assessment

7. GCHQ confirmed the details in Mr Smith's application. It stated that Mr Smith has no access to information of commercial sensitivity or that would attract criticism for this role.
8. GCHQ recommended that this application be approved subject to the standard conditions. It saw no risk of improper reward or conduct, unfair competitive advantage, either directly or indirectly, or via clients.