



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 SwissRe Management Ltd.

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 SwissRe Management Ltd (SwissRe), as a Member of the Strategic Council.
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 SwissRe. 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.¹ 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. SwissRe is a reinsurance firm. SwissRe are a stakeholder of government with some overlap with Sir Jeremy's time in office given reinsurance covers cyber

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

insurance to cover cyber crime. Whilst Sir Jeremy met the company at a conference in 2019, and with other insurance companies as part of an engagement strategy to help insurance companies develop their approach to cyber insurance, he made no policy, regulatory or commercial decisions specific to SwissRe in office. As such, the Committee² considered that the risk this role could reasonably be perceived as a reward for decisions made or actions taken in office is low.

6. As the former Director of GCHQ, Sir Jeremy would have had access to a range of sensitive information, including that which relates to emerging trends within the macro environment relevant to technology and cyber security. As a result, there are real and perceived risks he could offer SwissRe an unfair advantage due to his insight gained in office. GCHQ and the Cabinet Office were unaware of any specific information he had access to that could offer an unfair advantage to the company. It is also significant that Sir Jeremy has been out of office for over 10 months, which puts a gap between his last having access to information and his taking up this role.
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 which could offer Swiss Re unfair access to government. It is relevant that this is an internally focused role.

The Committee's advice

8. Whilst there is overlap with Sir Jeremy's role in office, as the former Director of GCHQ he will have had access to a range of sensitive information that could be seen to benefit the vast majority of potential employers. The standard conditions below seek to prevent him from making improper use of privileged information, contacts and influence gained in office, alongside his ongoing duty of confidentiality.
9. The Committee's advice, under the government's Business Appointment Rules, that this role with **SwissRe Management Ltd** 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 or its arm's length bodies on behalf of SwissRe Management 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

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

SwissRe Management Ltd (including parent companies, subsidiaries, partners and clients);

- for two years from his last day in Crown service, he should not provide advice to SwissRe Management 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 or its arm's length bodies.
10. The advice and the conditions under the government's Business Appointment Rules relate to Sir Jeremy'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' Interests.³ 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.
 11. 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.
 12. 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*'.
 13. Sir Jeremy must inform us when he takes up employment with this organisation, or if it is announced that he will do so. Sir Jeremy must also inform us 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.
 14. 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

Xante Chalwell

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 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.

Committee Secretariat

Annex A - Material information

The role

1. Sir Jeremy said SwissRe is a global reinsurance firm. It is a wholesale provider of reinsurance, insurance and other insurance-based forms of risk transfer. Its customers include insurance companies, corporations and the public sector.
2. Sir Jeremy said he will be taking up a paid, part time role as a Member of SwissRe's Strategic Council
3. Sir Jeremy said he will be providing the firm's executive management with advice on emerging trends on the macro environment from an external perspective. Further he said:
 - a. members on the council operate solely on a consultative basis to the firm's executive management and its board members
 - b. he will have no governance responsibilities
4. Sir Jeremy said his role will not involve contact or dealings with government

Dealings in office

5. Sir Jeremy advised the Committee he met with SwissRe at a conference in 2019. He noted wider engagement with the insurance sector on two occasions as part of an engagement strategy on how government can best work with the sector to develop the cyber insurance market.
6. Sir Jeremy confirmed that he had no involvement in:
 - a. commercial or contractual decisions relating to SwissRe; or
 - b. relevant policy development or decisions that would have affected SwissRe.

Department Assessment

7. GCHQ and the Cabinet Office confirmed the details provided by Sir Jeremy above and added:
 - a. It does not have a commercial relationship with SwissRe.
 - b. Sir Jeremy would have access to sensitive information that could be relevant to SwissRe, but is not aware of any specific information that could provide SwissRe with an unfair advantage.
8. GCHQ and the Cabinet Office confirmed they had no concerns with this appointment and recommended the standard conditions and the standard three month waiting period (now passed) apply.