



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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September 2024

BUSINESS APPOINTMENT APPLICATION: Gaven Smith CB FReng, former Director General of Technology at the Government Communications Headquarters. Unpaid appointment with the National Signals and Intelligence Trust.

1. Mr Smith sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointment Rules for former Crown Servants (the Rules) on an unpaid role with the National Signals and Intelligence Trust (NSIST) as the Chair of Trustees.
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 Mr Smith's time in office, alongside the information and influence a former Crown servant may offer NSIST. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee has advised that a number of conditions be imposed to mitigate the potential risks to government associated with this appointment under the Rules. The Committee's advice is not an endorsement of this application in any other respect.
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

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.

standards of propriety and act in accordance with the 7 Principles of Public Life.

The Committee's consideration of the risks presented

5. When considering this application, the Committee² took into account this appointment as Chair of Trustees is unpaid³. Generally, the Committee's experience is that the risks related to unpaid roles are limited. The purpose of the Rules is to protect the integrity of government by considering the real and perceived risks associated with former Crown servants joining outside organisations. Those risks include: using privileged access to contacts and information to the benefit of themselves or those they represent. The Rules also seek to mitigate the risks that individuals may make decisions or take action in office to in expectation of rewards, on leaving government. These risks are significantly limited in unpaid cases due to the lack of financial gain to the individual.
6. The Government Communications Headquarters (GCHQ) has a supportive relationship in the work of NSIST and the charity is financially independent of GCHQ. The risk that this unpaid role could reasonably be perceived as a reward for decisions or actions taken in office is low.
7. As a former senior Crown servant, there are inherent risks associated with your contacts and influence within government. Further, Mr Smith noted there may be times when government chooses to engage with the organisation given the nature of its work. Contact as described would be in keeping with the lobbying ban imposed on all former senior officials for two years on leaving office.

The Committee's advice

8. The Committee did not consider this appointment raises any particular propriety concerns under the government's Business Appointment Rules. As above, the unpaid signature of this role significantly limits the risks subject to standard conditions. These seek to prevent Mr Smith from drawing on privileged information and using his contacts to the unfair advantage of his new employer, will sufficiently mitigate the risks in this unpaid appointment.

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

³By unpaid the Committee means that no remuneration of any kind is received for the role. Applicants must declare where it is agreed or anticipated they may receive remuneration or some other compensation at some stage in the future.

9. In accordance with the government's Business Appointment Rules, the Committee advises Mr Smith's appointment with the **National Signals and Intelligence Trust** be subject to the following conditions:
- Mr Smith 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 any of its arm's length bodies on behalf of the National Signals and Intelligence Trust (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in the government to influence policy, secure business/funding or otherwise unfairly advantage the National Signals and Intelligence Trust (including parent companies, subsidiaries, partners and clients); and
 - for two years from his last day in Crown service, he should not provide advice to the National Signals and Intelligence Trust on the terms of, or with regard to the subject matter of, a bid or contract with, or relating directly to the work of the UK government or any of its arm's length bodies.
10. The advice and the conditions under the government's Business Appointment Rules relate to an applicant's previous role in government only; there are separate rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists, the Parliamentary Commissioner for Standards and the Commissioner for Standards⁴. 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*

⁴ All Peers and Members of Parliament are prevented from paid lobbying under the Parliamentary Code of Conduct and the Code of Conduct for Members of the House of Lords.

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. Mr Smith must inform us as soon as she takes up this work or if it is announced that she will do so. Similarly, she must inform us if she proposes to extend or otherwise change her role with the organisation as depending on the circumstances, it might be necessary for her to seek fresh advice.
14. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee’s website.

Yours sincerely,

Hamzah Rizvi
Committee Secretariat

Annex - Material Information

The role

1. Mr Smith stated NSIST is:
‘...a new charity that is being registered on the Charity Commission this year. It will be a non-profit organisation and institutionally independent from GCHQ but still aligns with GCHQ’s external communications strategy in seeking to educate (to increase understanding/trust in GCHQ) and inspire the next generation of diverse recruits.

NSIST is being created to advance the education of the public through research in the subject of the UK’s national signals intelligence, cyber and communications security heritage. NSIST will encourage academic research into the UK’s Signit⁵ heritage through bursaries and scholarships for graduate and undergraduate study; and by encouraging this topic as an academic discipline in the UK’.

2. As Chair of Trustees (unpaid), Mr Smith stated his responsibilities will be to:
 - Chair the Board
 - Ensure effective governance

⁵ Signals Intelligence (Signit) is a category of intelligence gathering, most often by military or intelligence agency personnel, comprised of the messages and data of one or more parties and collected using any combination of communications, electronic, or foreign instrumentation signals intelligence, regardless of how the information was transmitted. This could include verbal communications, written messages, data from radar or weapons systems, and more.

- Set strategic direction
 - Create a positive culture
 - Act as an ambassador for the charity
3. Mr Smith stated NSIST is financially independent of GCHQ but will require, and has secured, practical support of GCHQ. He stated NSIST will require access to GCHQ archive through the GCHQ historian and in their capacity as release authority. In return, NSIST will help to preserve and publish the history of GCHQ through its charitable work.
 4. He confirmed there will be no lobbying of GCHQ, nor involvement in policy or operational interaction or communications relating to the current work of GCHQ.

Dealings in office

5. Mr Smith confirmed GCHQ has a relationship with NSIST in supporting the aims of the charity. He added he was not involved in any policy, regulatory decisions nor had access to sensitive information specific to NSIST.

Departmental assessment

6. GCHQ confirmed the details Mr Smith provided and stated that:
 - a. it holds a relationship with NSIST as described above;
 - b. Mr Smith was not involved in policy or regulatory decisions specific to NSIST;
 - c. it does not have concerns regarding Mr Smith's access to sensitive information specific to NSIST; and
 - d. it did not have concerns regarding Mr Smith's appointment and recommended the standard conditions.