



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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**BUSINESS APPOINTMENT APPLICATION FOR ADVICE: Edward de Minckwitz, former Chief of Staff to the Deputy Prime Minister at the Cabinet Office. Paid appointment with ServiceNow UK.**

1. Mr de Minckwitz 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 appointment he wishes to take up as Director of Public Policy for ServiceNow UK Ltd (ServiceNow).
2. The purpose of the Rules is to protect the integrity of the government. Under the Rules, the Committee's remit is to consider the risks associated with the actions and decisions Mr de Minckwitz made during his time in office, alongside the information and influence he may offer ServiceNow.
3. The Committee considered whether it was unsuitable for Mr de Minckwitz to take up this role, given his time at the centre of government and the focus of this role with ServiceNow which has the potential to conflict with the Rules as result of its focus on influencing public policy. The Committee also considered the information provided by the department and Mr de Minckwitz. The material information taken into consideration by the Committee is set out in the annex.
4. 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.
5. The Rules<sup>1</sup> 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.

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<sup>1</sup> 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

6. ServiceNow UK is the UK arm of the US based parent company. It operates globally providing cloud-based software to improve operational efficiencies automating routine work tasks. ServiceNow has some contracts with government departments, including a contract with the Highways Agency valued in 2023 at £18,743,850. Mr de Minckwitz wishes to join ServiceNow as its Director of Public Policy UK.

7. Whilst the company has commercial contracts with the government, it has none with No.10 or the Cabinet Office, Mr de Minckwitz's former department. He met with the company in January 2024, following its request to do so. The meeting was to discuss the government's strategy to drive public sector efficiency using technological solutions and how ServiceNow's work integrated. The Cabinet Office was not aware of any other link between Mr de Minckwitz and ServiceNow or decisions he made in office specific to the company. It noted he applied for a role through an open competition which it considered limited the risk this role could reasonably be seen as a reward. The Committee<sup>2</sup> agreed this risk was limited.

8. Mr de Minckwitz, in his role as Chief of Staff to the Deputy Prime Minister, was involved in the government's approach to expediting the adoption of artificial intelligence (AI) in the public sector at a strategic level. This overlaps directly with his proposed role at ServiceNow which is focussed on public policy and thought leadership for ServiceNow on emergent tech, particularly AI, and its use in public services. His work on these matters seems to have culminated in early 2024. His access to relevant information was later removed in early April 2024 when he was offered the role and declared his interest. He was recused from any work related to ServiceNow and other IT service management providers with officials at the Cabinet Office putting in place measures to prevent him seeing any relevant advice or attending any relevant meetings.

9. Mr de Minckwitz noted the change in government post election, which he considered significantly reduced the risks associated with his access to information. The Committee recognised that he cannot know what decisions might be made in terms of new policy and operational decisions in this area, but considered he may still have privileged insight into the use of AI within government and public service, including possible challenges and opportunities for a company working in the area, such as ServiceNow. This is an area that will continue to be of significant interest to the government and the Civil Service. This risk is limited as this was only one policy area he had oversight of and involvement in (the portfolio is set out in the annex) and it has now been over three months since he last had access to information of relevance in office.

10. There are inherent risks associated with any senior official joining a commercial organisation that undoubtedly seeks to influence government, whether in respect of the government's approach to emergent tech and AI, or in respect of specific commercial opportunities within government and the wider public sector. In

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<sup>2</sup> This application for advice was considered by Andrew Cumpsty; Sarah de Gay; Isabel Doverly; Hedley Finn OBE; The Rt Hon Lord Pickles; Michael Prescott; and Michael Weir. David Konotey-Ahulu CBE DL was unavailable.

accordance with the lobbying ban that applies to all senior special advisers on leaving office for two years under the Rules, Mr de Minckwitz must avoid engaging in activity that could reasonably be seen as seeking to influence government decisions. This would include approaching the government, whether special advisers, other officials or ministers about its approach or policy on behalf of ServiceNow. This would not prevent him from meeting with, or engaging with government, such as at roundtables and industry events where asked to do so by officials/ministers.

11. It is relevant that Mr de Minckwitz has experience in public policy both within government and externally, from previous roles as a parliamentary researcher; political adviser; a special adviser within government to the Prime Minister at the time, between 2015 and 2019; and most recently before reentering government, he was a Partner at Flint Global. Further, there are many aspects of the role described by Mr de Minckwitz which would not be contrary to the lobbying ban set out in the Rules, such as leading the public policy function of ServiceNow UK, helping to shape the corporate stance in response to emerging policy debates, including on data, privacy, and the digital transformation; internal facing thought-leadership on the wider benefits emergent tech could bring to the public sector; helping to identify where ServiceNow's services can be used within the public sector and representing the company with industry bodies such as TechUK.

12. ServiceNow confirmed to the Committee that it would adhere to the government's Rules and the advice within this letter. To do so, Mr de Minckwitz will be walled off from any direct or indirect lobbying of the UK government. His role will focus on leading the public policy function of ServiceNow UK and internally shaping its corporate stance in response to emerging policy debates, including on data, privacy, and the digital transformation.

#### The Committee's advice

13. For the reasons set out above, the Committee considered the risks associated with Mr de Minckwitz's access to information are limited, given the time that has passed since his access to information has been limited and in light of the conditions applied below.

14. The most significant risk in his case is that he could be seen to potentially offer unfair access to and influence within government. Given the focus of the role on public policy and engagement, there is a risk he could be seen to offer ServiceNow unfair access to, and influence within, government. Therefore, the Committee's advice is that Mr de Minckwitz should have no direct engagement with the UK government on behalf of ServiceNow. Any contact initiated by the government would not be contrary to Rules or the Committee's advice.

15. The Committee determined the risks identified in this application can be appropriately mitigated by the conditions below. These seek to prevent him from making improper use of his privileged access to information, contacts and influence from his time in office, alongside his ongoing duty of confidentiality and other provisions.

16. The Committee's advice in accordance with the government's Business Appointment Rules is that Mr deMinckwitz's role with **ServiceNow UK Ltd** be subject to the below conditions:

- Mr de Minckwitz 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 ServiceNow UK 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 ServiceNow UK Ltd (including parent companies, subsidiaries, partners and clients);
- for two years from his last day in Crown service, he should not provide advice to ServiceNow UK 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 the UK government or any of its arm's length bodies; and
- for two years from his last day in Crown service, he should not have any engagement on behalf of ServiceNow UK Ltd (including parent companies, subsidiaries, partners and clients) with the UK government.

17. The advice and the conditions under the government's Business Appointment Rules relate to Mr de Minckwitz's previous roles 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<sup>3</sup>. 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.

18. 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.

19. 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*

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<sup>3</sup> 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.

*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."*

20. Mr de Minckwitz 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.

21. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website.

Cat Marshall  
**Committee Secretariat**

## **Annex- material information**

### The role

1. ServiceNow UK is the UK arm of the US based parent company, ServiceNow. It is a cloud-based workflow automation platform that enables enterprise organisations to improve operational efficiencies by streamlining and automating routine work tasks. It operates globally across 4 areas: Europe, Middle East and Africa; North America, Latin America; and Asia Pacific and Japan. Its website boasts of working with 85% of the Fortune 500.
2. ServiceNow has some contracts with government, including a software contract with DWP valued in 2015 at £5,470,000 and a more recent contract with the Highways Agency valued in 2023 at £18,743,850.
3. Mr de Minckwitz seeks to become the Director of Public Policy UK for the company. In this paid role, he said he would:
  - lead the public policy function of ServiceNow UK, helping to shape the corporate stance in response to emerging policy debates, including on data, privacy, and the digital transformation.
  - have an internal- and external-facing thought-leadership role for the wider benefits that emergent tech- particularly AI – could bring to the public sector.
  - work with the ServiceNow team to identify how their existing technology services could be deployed against public sector use-cases.
  - be ServiceNow's representative in liaising with industry bodies such as TechUK.
  - play a role in linking ServiceNow's UK activity, and explaining the emerging EMEA policy landscape to US colleagues.
  - not be engaged in direct lobbying of government, or in any commercial negotiations with government.

4. Mr de Minckwitz noted he was a Partner at Flint Global, a business advisory firm, before rejoining government in October 2022. He wished to continue to engage with government contacts to '*map the emerging policy landscape*', as he did at Flint before returning to government. He said he would not be '*called upon to carry out direct lobbying on behalf ServiceNow*', nor would he be involved in any commercial negotiations. In relation to contact with the government, he stated he had never met any of the current 'decision makers', nor had he seen any of the options that might be put to them.

#### The employer's confirmation of adherence to the advice

5. ServiceNow confirmed Mr de Minckwitz has been offered the position as the Director of Public Policy UK. In this position:
  - a. for two years, he will be walled off from any direct or indirect lobbying of the UK government.
  - b. he will be tasked with leading the public policy function of ServiceNow UK and internally assisting ServiceNow to shape its corporate stance in response to emerging policy debates, including on data, privacy, and the digital transformation.
  - c. he will not be contacting or otherwise engaging with the UK government on behalf of Service Now or making introductions for other ServiceNow employees to do so.
  - d. he will not be providing advice to ServiceNow relating in any manner to the terms, subject matter of a bid with, or contract relating directly to the work of the UK government or any of its arm's length bodies.
6. Mr de Minckwitz also confirmed that his contract with ServiceNow would include a provision that prevents him from knowingly or otherwise providing his new employer with any confidential or proprietary information from his previous employer.

#### Dealings in office

7. Mr de Minckwitz has been involved in the Deputy Prime Minister's approach to expediting the adoption of AI in the public sector. He said this was mostly very high-level conversations about the overarching strategic approach that government should take to adopting AI. He noted the main thing he was involved in was I.AI - an incubator providing expert advice on AI in public services - <https://www.gov.uk/government/organisations/incubator-for-artificial-intelligence/about>, he attended the AI Safety Summit in November 2023 and a speech delivered by the Deputy Prime Minister at TechUK in December 2023. He said his work culminated in a speech that the Deputy Prime Minister gave at the end of February and one round table with the DPM on the use of AI in education in April. He added :
  - a. he had no insight or privileged insight into the policy direction of the current government
  - b. he was recused from any work related to ServiceNow from the moment he was offered the job - on 10 April (when he informed officials).

- c. he and the department were 'assiduous in monitoring his work' but there were 'little or no' meetings or advice of relevance, and that there were only two external meetings he did not attend.
8. He told the Committee he has some official dealings with the company in office. He said ServiceNow approached him seeking a meeting in December 2023 in light of the Deputy Prime Minister's focus on driving productivity and efficiency across Whitehall and ensuring that tech was at the centre of that transformation. He subsequently met the company for a short meeting in January 2024 where they explained their vision and their work with the government. ServiceNow subsequently attended a roundtable on public sector AI that the Deputy Prime Minister convened in February 2024.

### Departmental assessment

9. The Cabinet Office confirmed the details of Mr de Minckwitz's application and provided the following additional information:
- a. he was actively involved in a wide range of issues including the use of AI in the public sector.
  - b. he was recused from matters relating to the prospective employer or its competitors for a period of time, as arranged by the Permanent Secretary. In April 2024 he was removed from matters that relate to ServiceNow and other IT service management providers.
  - c. in respect of the meeting held in January 2024 with ServiceNow - it said this was likely to have been a high level discussion, fairly limited and occurred six months ago.
  - d. ServiceNow has some contracts with departments, such as delivering a software toolset to DWP valued in 2015 at £5,470,000 and delivering licences to use their suite of applications to the Highways Agency valued in 2023 at £18,743,850.
  - e. many departments also use the software developed by ServiceNow and receive licences via third party vendors. These contracts are in the similar amounts to the above (millions of pounds). The Crown Commercial Service signed a memorandum of understanding in January 2023 with ServiceNow to offer *'all eligible public sector customers access to competitive rates, discounts and a wide variety of commercial benefits across ServiceNow's platform technology, whilst supporting the digital transformation of the UK's public sector.'*
  - f. ServiceNow has retained the services of different consultant lobbyists including FGS Global (UK) Limited, Dentons Global Advisors UK Limited, The Blakeney Group Ltd, and Hume Brophy Communications (UK) Ltd on a regular basis since July 2018.
  - g. as a special adviser, he was prohibited from any commercial contract work in office.

- h. whilst there are links between Mr de Minckwitz and the company from his time in office, given he applied for this proposed role via open competition this reduces the risk of reward.
- i. as a senior member of the government operating within Cabinet Office and No.10 since October 2022 he will have been exposed to a wide range of information. This will include the use of AI in the public sector - a priority for the Deputy Prime Minister as well as a key business interest of the prospective employer. However, he was removed from any dealings or any discussions which may cover the portfolio in which ServiceNow may operate. This significantly reduced the risk that may have required a waiting period. The Cabinet Office considered that the risk associated with access to information could be mitigated by reminding the applicant of their duty of confidentiality.
- j. the change in government personnel means current AI policy and any planned announcements / unannounced policy work could change. There is a risk he could potentially use his contacts to attempt to lobby the UK government - this is partially mitigated by a change in political party / personnel, reducing the ability of the applicant to lobby former colleagues, though officials that form the permanent civil service will remain the same so some risk certainly remains. He should be restricted from lobbying the UK government on behalf of ServiceNow for a period of two years from the final day of service.

10. The Cabinet Office recommended:

- a. a restriction on the applicant advising or working on any public contracts on behalf of his prospective employer, its parent company, or its clients for a period of 2 years from his last day of service;
- b. a restriction on the applicant lobbying the government on behalf of his prospective employer, its parent company, or any of its clients for a period of 2 years from his last day of service;
- c. a reminder of their ongoing duties in respect of confidentiality of information gained as a result of their time as a special adviser;
- d. a reminder to only use official channels to contact government officials.