

Response to Request for Information

Reference FOI 002739
Date 07 September 2018

Non-disclosure agreements

Request:

I'm after all NDAs but have requested for the different types of NDAs to be made clear (e.g. whistleblower/ employment/ sexual harassment etc.). Please make clear where they concern commercial companies rather than employees.

"Non-disclosure agreements

Non-Disclosure Agreements is a catch-all term for agreements that include confidentiality clauses – sometimes referred to as gagging clauses.

They are used in employment contracts for a range of purposes including, for example, protecting intellectual property, trade secrets or other confidential information such as customer details.

They are also commonly used in agreements that are reached between employers and employees when employment is terminated (known as settlement agreements).

However, there has also been criticism of their use in sexual harassment cases, with concerns that they may be used to conceal improper, discriminatory or even illegal behaviour or to impede reporting of such behaviour to the proper authorities."

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/news-parliament-2017/sexual-harassment-workplace-evidence-17-191/>

Authorities are duty bound to detail these, as made clear in this government guidance concerning NDAs

<https://www.gov.uk/government/publications/non-disclosure-agreements/non-disclosure-agreements>

We can confirm that the department holds information that you have asked for in relation to the above concerning employees. However, the information is exempt under section 21 of the FOI Act because it is reasonably accessible to you, and I am pleased to inform you that you can access it on our website via the following link: <http://www.wolverhampton.gov.uk/CHttpHandler.ashx?id=16206&p=0>

[NOT PROTECTIVELY MARKED]

Section 21(1) of the Freedom of Information Act exempts disclosure of information that is reasonably accessible by other means, and the terms of the exemption mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

You can find out more about Section 21 by reading the extract from the Act, available at: <http://www.legislation.gov.uk/ukpga/2000/36/section/21>

In respect of your above question concerning commercial companies, it has been established after careful consideration that the Council does not hold the above information.

Consequently, we are unable to provide any information relating to the above, and are informing you as required by Section 1(1) (a) of the Act, that states:

"Any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request".