

Non-Disclosure Agreement Policy

1. Aim

This policy sets out The Open University's approach to non-disclosure agreements (NDAs).

2. What is a Non-Disclosure Agreement

In accordance with their terms and conditions of employment all employees are required to treat confidential information in line with data protection legislation.

Sometimes however, we may ask employees to sign additional legally binding agreements to keep specific information confidential. This might be in the form of an NDA or as part of a settlement agreement.

3. Our policy on NDAs

The University is a signatory of the [Can't Buy My Silence pledge](#).

We have committed never to use an NDA in a case involving sexual harassment, discrimination, or other misconduct and/or bullying. We want to ensure that victims can speak out about what has happened to them to whomever would be appropriate, and that harmful behaviour is not hidden. The intention is there should be no opportunity for repeat offences or further victims.

However, we may still use NDAs and confidentiality clauses in settlement agreements where appropriate, such as where an individual has had access to commercially sensitive information, and where it would be reasonable for us to take steps to ensure that information remains confidential.

4. Scope

This policy covers all cases of sexual harassment, discrimination, or other misconduct and/or bullying carried out by, or to, individuals working for or with us on University business.

5. Equality, Diversity and Inclusion

Policies are inclusive of all Open University staff, regardless of age, care experience, caring status or dependency, civil status, disability, family status, gender, gender expression, gender identity, gender reassignment, marital status, marriage and civil partnership, membership of the Traveller community, political opinion, pregnancy and maternity, race, religion or belief, sex, sexual orientation, socio-economic background or trades union membership status.