

Reference: 638726

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13 December 2018

### **Freedom of Information: Right to know request**

Thank you for your request for information about non-disclosure agreements.

This was received by Ofcom on 16 November 2018 and it has been considered under the Freedom of Information Act 2000 (“the Act”).

You asked:

*I am looking for information about non-disclosure agreements signed by staff in relation to severance payments. Please could you provide me with the following:*

- 1. How many non-disclosure agreements have staff signed over the past three calendar years (up to and including October 2018)? Please could you break this down year by year and, if possible, by gender.*
- 2. Of those staff members who have signed non-disclosure agreements, how many have made a complaint of bullying or sexual harassment against another member of staff? Please could you break this down year-by-year and categorise by bullying and sexual harassment complaints.*
- 3. How much money has been spent over the past three calendar years (up to and including October 2018) to settle sexual harassment or bullying allegations made by staff about other staff members? Please could you break this down by year and by type of complaint. Please could you also state whether the settlement did or did not include a non-disclosure agreement.*
- 4. How many financial settlements have been made with staff over the past three calendar years (up to and including October 2018) in response to allegations of bullying or sexual harassment they have made about other members of staff? Please could you break this down year by year and by type of complaint.*

We have responded to similar Freedom of Information requests about this subject previously, which can be accessed on our website<sup>1</sup>.

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<sup>1</sup> [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0024/113586/confidentiality-clauses-foi.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0024/113586/confidentiality-clauses-foi.pdf);  
[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0017/114290/non-disclosure-agreements-foi.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0017/114290/non-disclosure-agreements-foi.pdf)

In the context of employment related agreements, we have interpreted “non-disclosure agreements” to mean agreements that include confidentiality clauses *for a range of purposes*. In this context, we hold information about agreements that are reached between employers and employees when employment is terminated, otherwise known as settlement agreements.

As a matter of standard practice, all our settlement agreements include a confidentiality clause and we use settlement agreements in all cases of redundancy or negotiated departures. Settlement agreements are common across a range of industries and, in our case, are used to protect the interests of the individual as well as the interests of the organisation.

1. The table below sets out the number of such settlement agreements issued in the past three financial years (we do not hold the information according to calendar year).

Financial Year	Settlement Agreements (as explained above)	Gender
2015/16	13	5 Male, 8 Female
2016/17	40	19 Male, 21 Female
2017/18	18	11 Male, 7 Female

2. As explained in our response to question 1 above, the settlement agreements referred to in the above table were in cases of redundancy or negotiated exits and were not signed in cases of complaints of bullying or sexual harassment against another member of staff. The answer is therefore zero.
3. Pursuant to Ofcom’s settlement agreements, no money has been spent over the past three financial years to settle sexual harassment or bullying allegations made by Ofcom staff about other Ofcom staff.
4. Pursuant to Ofcom’s settlement agreements, no financial settlements have been made with Ofcom staff over the past three financial years in response to allegations of bullying or sexual harassment.

If you have any queries, please contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk). Please remember to quote the reference number above in any future communications.

Yours sincerely,

Jerin John

If you are unhappy with the response or level of service you have received in relation to your request from Ofcom, you may ask for an internal review. If you ask us for an internal review of our decision, it will be treated as a formal complaint and will be subject to an independent review within Ofcom. We will acknowledge the complaint and inform you of the date by which you might expect to be told the outcome.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

#### **Timing**

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for undertaking internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact:

Corporation Secretary  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF