

Reference: 01984293

Information Requests
information.requests@ofcom.org.uk

13 May 2025

Freedom of Information request: Right to know request

Thank you for your request for information concerning NDAs and Settlement Agreements.

We received this request on 10 April 2025 and we have considered your request under the Freedom of Information Act 2000 (“the FOI Act”).

Your request and our response

For the period 1 April 2024 to 31 March 2025:

1. *How many Non-Disclosure Agreements (NDAs), also referred to as confidentiality clauses were signed with staff (current or former) by your organisation?*

21 - these all formed part of settlement agreements.

2. *Of those NDAs, how many were part of settlement agreements related to:*

a) Complaints of bullying or harassment

b) Complaints of discrimination (on any protected characteristic)

c) Whistleblowing

d) Other reasons (please specify if) possible.

All 21 related to “other reasons” including 6 redundancies. We are unable to specify the other reasons as these are specific to the particular individual’s case. Given this, we consider that this is personal information which is exempt from disclosure under section 40 of the FOI Act. Section 40 of the FOI Act provides that personal information about persons other than the requester is exempt where, among other things, its disclosure would contravene any of the data protection principles in the UK General Data Protection Regulation and the Data Protection Act 2018 including that personal data should be processed lawfully, fairly and transparently. Section 40(2) is an absolute exemption under the Act and does not require a public interest test.

3. *What was the total amount of money paid out in settlement agreements that contained NDAs?*

£802K (rounded to the nearest £1K).

4. *What is the highest individual settlement amount paid in this period as part of a settlement agreement that contained an NDA?*

We consider that this information is exempt from disclosure under section 40 of the FOI Act given the limited number of payments, there is a risk of people putting this information together with other information in a way that discloses personal data.

Please include any available breakdowns by department, staff role, or type of claim where possible.

We are unable to provide any breakdowns as we consider that this information is exempt from disclosure under section 40 of the FOI Act, which we have explained in our response to question 2.

If you have any further queries, then please send them to information.requests@ofcom.org.uk – quoting the reference number above in any future communications.

Yours sincerely,

Information Requests

Request an internal review

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress.

Please email the Information Requests team (information.requests@ofcom.org.uk) to request an internal review.

Taking it further

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner's Office](#).