

From: Freedom of Information

Sent: 18 December 2020 18:16

To:

Subject: Freedom of Information Response (Our Ref: K/20/490)

Dear

Freedom of Information Response (Our Ref: K/20/490)

Thank you for your Freedom of Information (FOI) request dated 24 November 2020, reference K/20/490.

Your request read:

“I am writing to you under the Freedom Of Information act to request the following information about the use of Non-Disclosure Agreements or any similar agreements under other names (i.e gag orders, settlement agreements with non-disclosure clauses) which prevent students or staff from speaking openly about a process with the university.

1. The number of NDAs issued by the university applying to staff members in the academic years 2018/19, 2019/20, and thus far in 2020
2. The number of NDAs issued by the university applying to students in the academic years 2018/19, 2019/20, and thus far in 2020”

The University of Leeds does not use specific non-disclosure agreements. However, we do use settlement agreements in a variety of cases regarding staff, such as in voluntary severance. Some of these will contain confidentiality clauses which aim to protect legitimate business interests, e.g. protecting intellectual property, but they are not used to prevent individuals raising concerns and/or pursuing proceedings in relation to harassment, discrimination or other similar matters. We do not use settlement agreements in student-related matters.

The settlement agreements used by the University of Leeds do not include information relating to the reasons for settlement, and it is therefore not possible for us to categorically determine whether any agreements signed in the timeframe of your request were signed to prevent individuals from “speaking openly about a process with the university”. However, as the University does not currently, nor has it previously, used confidentiality clauses within settlement agreements as ‘gagging clauses’ to prevent public interest disclosures as defined by law, we consider it extremely unlikely that there have been any cases which fall within the scope of your request.

We can also advise that as part of the settlement process, individuals are required to obtain independent legal advice. As such, if an individual had concerns which they had not raised previously with the University, we would expect their legal advisor(s) to provide them with appropriate advice and guidance on how the settlement agreement may impact on any intention to pursue any other avenues (such as criminal proceedings).

We hope this information is helpful. If you have any questions about this email, however, please do not hesitate to contact us on foi@leeds.ac.uk

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you can request an Internal Review. Requests for Internal Review should be made in writing using the following contact information:

Post: Mr D Wardle
Deputy Secretary
The University of Leeds
Leeds
LS2 9JT

Email: foi@leeds.ac.uk

Requests for Internal Review should be submitted within 40 working days of receiving the University's response to your request. Further information about how the University manages Freedom of Information requests and about our complaints procedure is also available on our website (www.leeds.ac.uk).

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. Generally, the ICO cannot make a decision unless you have exhausted the review/complaints procedure provided by the University. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Kind regards

Chloe Wilkins
Freedom of Information Officer

Secretariat
University of Leeds