

London Borough of Barnet
2 Bristol Avenue,
Colindale,
London, NW9 4EW
27 June 2022
Our ref: 8296974

Thank you for your request received on 26 May 2022, for the following information:

I am interested in understanding the use of non-disclosure agreements by Local Authorities. I would appreciate if you could respond to this FOI request.

- 1. Has Barnet included non-disclosure clauses in agreements signed at the conclusion of employment disputes?**
- 2. In the past 7 years, how many non-disclosure agreements have been signed in the circumstances described in point 1. I would appreciate this information being broken down by year and team/department and directorate.**
- 3. When settling employment disputes and signing non-disclosure agreements, have settlement payments been made to employees as a result of these agreements?**
- 4. In the past 7 years, how much money has been spent on settlement payments which formed part of non-disclosure agreements? I would like this information broken down by year and team/department and directorate.**
- 5. Does Barnet have any policy or guidance about the circumstances in which non-disclosure can be included in settlement agreements signed at the end of employment**

For the purposes of this FOI a non disclosure clause is a clause in the contract which as a minimum forbids the employee from discussing the events leading to termination their employment.

Non disclosure contract is a contract which contains non disclosure clause.

We have processed this request under the Freedom of Information Act 2000.

Response

I can confirm that London Borough of Barnet holds the information you requested.

However, we believe that the exemptions detailed below apply to some of this information and this is withheld. Please see the Refusal Notice below.

I am interested in understanding the use of non-disclosure agreements by

Local Authorities. I would appreciate if you could respond to this FOI request.

1. Has Barnet included non-disclosure clauses in agreements signed at the conclusion of employment disputes?

Yes

2. In the past 7 years, how many non-disclosure agreements have been signed in the circumstances described in point 1.

62

I would appreciate this information being broken down by year and team/department and directorate.

Please see refusal notice below.

3. When settling employment disputes and signing non-disclosure agreements, have settlement payments been made to employees as a result of these agreements?

Yes

4. In the past 7 years, how much money has been spent on settlement payments which formed part of non-disclosure agreements?

£1,001,532.49

I would like this information broken down by year and team/department and directorate.

Please see refusal notice below.

5. Does Barnet have any policy or guidance about the circumstances in which non-disclosure can be included in settlement agreements signed at the end of employment

No

For the purposes of this FOI a non disclosure clause is a clause in the contract which as a minimum forbids the employee from discussing the events leading to termination their employment.

Non disclosure contract is a contract which contains non disclosure clause.

Refusal Notice Section 40(2)

[Part 1 of Schedule 19](#) of the Data Protection Act 2018 amends the personal data exemption under section 40 of the Freedom of Information Act 2000(FOI). These are consequential amendments designed to ensure that the correct provisions of the GDPR and the new Act are referenced instead of the now repealed DPA 1998. They will not fundamentally impact when personal data can, and cannot, be disclosed in response to an FOI request.

Personal Information is governed by the Data Protection Act legislation and is defined as any information relating to an identified or identifiable natural person ('data subject'). It adds that: an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location number, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

The withheld information is exempt because disclosure would contravene the first data protection principle which requires that personal data is processed fairly and lawfully. Disclosure of the requested information would breach this principle and in particular the requirement of fairness and could lead to the identification of individuals so we have not supplied the breakdown of year and team/ department on this basis.

Further information

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

Advice and Assistance : Direct Marketing

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Your rights

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: foi@barnet.gov.uk. Or by post to Records & Information Management Service, Assurance Group, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water

Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website www.ico.org.uk). There is no charge for making an appeal.