

**WRITTEN QUESTION TO THE CHAIR OF THE STATES EMPLOYMENT BOARD
BY DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR
QUESTION SUBMITTED ON MONDAY 24th MAY 2021
ANSWER TO BE TABLED ON TUESDAY 1st JUNE 2021**

Question

Will the Chair advise –

- (a) what specific reasons there are for the Government entering into non-disclosure agreements (NDAs);
- (b) how many NDAs have been entered into since 2010 between Government Departments and former employees in relation to employment matters; and
- (c) how many NDAs have been entered into since 2010 between Government Departments and current employees in relation to employment matters?

Answer

- (a) Non-disclosure agreements (NDAs) exist in a number of pre contract commercial situations, in commercial contracts, in arrangements with external investigators, with employees undertaking certain sensitive work and in settlement arrangements such as compromise and severance agreements.

Compromise arrangements are used when the Employer is seeking to settle claims or potential claims. Such agreements are actively considered where the terms are proportionate to (and do not exceed) any potential liability. Similar agreements may also be entered into in cases of redundancy/severance, where the Employer wishes to be protected from any future claim that may arise.

Each agreement contains a confidentiality statement also known as a ‘non-disclosure agreement’. These agreements are an important legal framework used to protect sensitive and confidential information from being disclosed by all parties that are subject to them.

- (b) The number of agreements entered to by the Government of Jersey from 2017 is outlined below:

Year	No. of Agreements
2017	6
2018	27
2019	13
2020	18
2021 – To date	7

We do not hold a central record of compromise and severance agreements prior to 2017 which is when our HR Case Management Team was established. Hence conducting a search for an accurate answer from the past twenty-one years from multiple departments will be an extremely time-intensive exercise.

Further information related to compromise agreements prior to the collection of a central record can be found in the two reports by the C&AG from March 2012, accessible [here](#) and [here](#).

- (a) There are no compromise or settlement agreements on record for current employees. All employees are required to sign an Official Secrets (Jersey) Law, 1952 declaration, however, this is not the same as an NDA.

We do not centrally hold a record of NDA's signed as part of employees undertaking certain sensitive work.