

Non-Disclosure Agreements: Guidance for Victims of Crime



Ministry
of Justice

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Introduction

The law on non-disclosure agreements (NDAs) changed on the 1 October 2025. This guidance explains what these changes mean for people in England and Wales who have signed an NDA. There is separate guidance for businesses here: [Victims and Prisoners Act 2024: changes to non-disclosure agreements - GOV.UK](#)

This new legislation is set out in [section 17 of the Victims and Prisoners Act 2024](#).

These changes will shortly be further developed in new statutory measures as set out in the Employment Rights Bill and the Victims and Courts Bill. We will update guidance ahead of any new measures coming into force.

What is an NDA?

NDAs are legal contracts that require individuals to keep certain information confidential. In return, they receive something of value, like payment. NDAs can be a stand-alone contract or clauses within a wider contract.

You might sign an NDA when you start a job or when you leave a job after a dispute, to keep the details of the situation and any settlement confidential. For example, if you start work at a company, you may sign an NDA when you start the job which prevents you from sharing confidential information about the company publicly.

If you break the terms of your NDA, the other party may take you to court for breach of contract. If the court agrees that you have breached your NDA, you may have to pay financial compensation to the other party to your NDA, as well as their legal costs. If you have signed an NDA, you may wish to speak to a qualified lawyer about its terms and who you can disclose information to and for what purpose.

This guidance applies to NDAs used in all areas, including business as well as the arts, charity, education, healthcare and technology sectors. It also applies to all kinds of relationships and circumstances where NDAs are used, not just between employers and employees. For example, if you are a participant on a TV show, you may sign an NDA before appearing on the show to protect the show's storylines and other sensitive information from being revealed before the episode airs.

New rules

What has changed?

From 1 October 2025 changes were introduced that:

- make clear in statute that NDAs cannot validly prevent a victim of crime from reporting the crime to the police

- ensure that NDAs cannot validly prevent a victim of crime from disclosing details of the crime to certain bodies and professionals to get confidential advice or support to cope or recover from the crime

If you're a victim of crime, or reasonably believe you are, and you sign an NDA on or after 1 October 2025 (or on or after 12 December in relation to disclosures to the Criminal Injuries Compensation Authority or courts and tribunals in relation to a disclosure about compensation – more information on page 9), the new law confirms that you can share information about the crime with specific individuals or organisations (such as the police or support services), even if the NDA states otherwise.

These changes apply only to NDAs signed from that date onwards; earlier agreements remain subject to previous rules and may still restrict such disclosures. The existing legal position is outlined on pages 11-13 of this guidance. It's important to note that, under common law, NDAs cannot lawfully prevent someone from reporting a crime to the police, and there are already certain limitations in place, for example, protections for whistleblowers and specific provisions within Higher Education settings.

Who is a victim of crime?

You are a victim of crime if you have suffered harm as a direct result of being subjected to criminal conduct.

You are also considered a victim of crime if you have suffered harm as a direct result of witnessing criminal conduct (i.e. seeing, hearing, or otherwise directly experiencing the effects of, the criminal conduct at the time the conduct occurred).

You are still considered a victim of crime even if:

- You haven't told anyone about the crime
- You haven't reported it to the police
- There hasn't been an investigation or conviction

The new changes also apply to you if you reasonably believe you have been a victim of crime. For example, you have signed an NDA at work. You were then subject to unwanted physical contact by your employer or someone else you work with. You understand that this type of behaviour is not always criminal, however you also understand that harassment is criminal in certain circumstances. Even if you do not want to report it to the police, you have a reasonable belief that what happened to you was a crime. Therefore, you could still disclose this information to, for example, your parent or doctor, for the purpose of getting support.

Any reference to "victims of crime" in this guidance should therefore also be read as a reference to individuals who reasonably believe they are a victim of crime.

Under these new rules, what can I talk about?

You are allowed to talk to the individuals or groups set out in the next section for certain purposes related to the conduct which made you a victim of crime. This is called the “relevant conduct”.

For example, on or after 1 October 2025, you sign a broad NDA at work that prevents you from sharing sensitive commercial information about your employer. In the course of your work, you experience a sexual assault. Under the new rules, you are permitted to disclose certain information for specific purposes, even if that information would otherwise be restricted by the NDA. You may share details of the sexual assault with your lawyer for the purpose of seeking legal advice, or with a parent for the purpose of obtaining emotional or practical support. These permitted disclosures include not only information about the assault itself but also related information that helps explain or contextualise it. If the assault was preceded by a pattern of behaviour, such as bullying, that was not criminal, you may still disclose that information to your lawyer or parent, provided it is necessary for the purpose of seeking advice or support in relation to the assault.

The new rules don’t void the NDA in its entirety – they just mean that the NDA can’t prevent you making a protected disclosure about the relevant criminal conduct. The NDA can still validly prevent you from disclosing sensitive commercial information about your employer, for example.

Who can I talk to, and for what purpose?

If you’re a victim of crime, or reasonably believe you are, and you sign an NDA on or after 1 October 2025, the changes make clear in law that the NDA cannot validly prevent you from speaking to the police.

These new changes also allow you to speak to new bodies, such as regulated lawyers, regulated professionals such as a doctor, victim support services, regulators, the Criminal Injuries Compensation Authority (CICA), and close family members, for certain purposes related to the relevant conduct (known as ‘Permitted Disclosures’).

Below is some more information on who these bodies are and what you can say to these people:

Police or other bodies which investigate or prosecute crime

If you have been a victim of crime, you can share information with the following bodies:

- The police

- Other bodies which investigate or prosecute crimes, such as:
 - The Health and Safety Executive
 - The Competition and Markets Authority
 - The Environment Agency
 - The Gambling Commission
 - The Financial Conduct Authority
 - The Information Commissioner's Office
 - The Serious Fraud Office

You can do this for the purpose of helping them investigate or prosecute the relevant conduct - even if your NDA says you can't.

Qualified lawyers

If you are a victim of crime, you can share information with qualified lawyers for the purpose of getting legal advice about the relevant conduct, even if your NDA says you can't.

- A qualified lawyer is someone who is officially authorised and regulated by an approved regulator of legal services in England and Wales, such as:
 - Solicitors
 - Barristers
 - Legal executives
- You can also speak to the law firm itself.

The changes do not permit the sharing of information with someone who is not regulated, like a retired lawyer. In that case, the NDA may still apply.

Regulated professionals

A regulated professional is someone who must meet certain legal rules to do their job. This might include having the right qualifications, being registered with a regulator, or using a protected job title. These rules help make sure these professionals are properly trained and can do their job safely, often to protect people's health, safety, or wellbeing.

This includes people like:

- Paramedics
- Social workers
- Teachers
- Doctors

If you are a victim of crime, you can share information with regulated professionals for the purpose of getting professional help or support related to the relevant conduct, even if an NDA says you can't.

For example, you have been sexually assaulted, and you tell a doctor about what happened. An NDA cannot validly prevent you from sharing information about the relevant conduct with the doctor for that purpose.

A non-regulated professional is someone who can do a job without needing to follow certain legal rules or have official qualifications. Disclosures to these individuals aren't within the scope of this permitted disclosure and so an NDA might still be enforceable in relation to disclosures made to non-regulated professionals.

Victim support services

Under these new rules, if you are a victim of crime, you can share information with support services for the purpose of getting support from them to cope with the effects of relevant conduct.

These services include:

- Charities and organisations that offer confidential, independent support
- Helplines, counselling, and therapy
- Advisors, like Independent Sexual Violence Advisers (ISVAs), who follow strict confidentiality rules

You can find details of victim support services here: [Find support – Victim and Witness Information](#).

You can talk to these services to get emotional support, understand your rights, and begin to recover from the impact of a crime, even if your NDA says you can't.

For example, you have been asked to sign an NDA by a high-profile acquaintance about an incident where they hit you. You report it to the police, and the individual is charged. You then go to a victim support service to get advice on how you navigate the criminal justice system and to get specialist support to help you mentally cope with the impact of the crime. During your engagement with this support service, you are able to tell them about the criminal conduct for the purpose of obtaining support from that service in relation to the crime, even if your NDA says you can't.

Regulators

A regulator is an official organisation that oversees certain jobs (like doctors or lawyers) or industries (like finance, healthcare, and energy) to make sure they follow the rules. These are the organisations that oversee the regulated professionals mentioned above. Examples of regulators include:

- The General Medical Council – the independent regulator of medical practitioners in the UK
- The Solicitors Regulation Authority – the independent regulatory body for solicitors and law firms in England and Wales

If you are a victim of crime, you are allowed to share information with a regulator for the purpose of cooperating with them in relation to relevant conduct even if your NDA says you can't.

For example, if the police tell the General Medical Council about a doctor accused of a crime, the regulator might ask the victim for more details to help decide if the doctor should be removed from the medical register.

It is important to know that the new rules don't allow victims to report the crime directly to the regulator themselves. Under the new law in section 17, that must be done to the police or other bodies which investigate or prosecute crime (see 'Existing limits on NDAs' on page 11 for how you may be able to report directly to the regulator).

The Criminal Injuries Compensation Authority (CICA)

The CICA administers two compensation schemes (the [Criminal Injuries Compensation Scheme](#) and the [Victims of Overseas Terrorism Compensation Scheme](#)), which provide compensation to individuals who have suffered physical or mental injuries as a result of a violent crime in England, Scotland or Wales, or due to an act of terror abroad. For more information, see: [Criminal Injuries Compensation Authority - GOV.UK](#).

If you are a victim of crime and signed an NDA on or after 12 December 2025, you are allowed to disclose information to the CICA for the purpose of making or pursuing a claim for compensation in relation to relevant conduct under the compensation schemes that the CICA administers. An NDA cannot validly prevent you from doing so.

Courts and tribunals, when challenging a decision about compensation

If you have made a claim to the CICA for compensation in relation to relevant conduct and you are not satisfied with the outcome of that claim, you may choose to appeal to a tribunal, and the tribunal's decision may be challenged in a court. If you sign an NDA on or after 12 December 2025, you are allowed to share information with the tribunal or the court for the purpose of issuing or pursuing such a challenge.

People allowed to receive information on behalf of the above

As a victim of crime, you are allowed to share information with anyone who is officially authorised to receive it on behalf of the groups listed above and for the relevant purpose related to the relevant conduct for each group mentioned above, even if your NDA says you can't. This could include a receptionist at a law firm who is allowed to receive information from prospective clients on behalf of lawyers in the

firm, for the purpose of seeking legal advice about the crime; or an interpreter who is allowed to receive information on behalf of the police, for the purpose of reporting the crime. This will make sure that you can share important information and get the advice or support you need without unnecessary obstacles.

Close family members

If you're a victim of crime, you're allowed to share information with your child, parent, or partner for the purpose of getting support in relation to relevant conduct, even if your NDA says you can't. A "partner" means someone you're married to, in a civil partnership with, or in a long-term personal relationship with.

You cannot share this information with other family members under these changes, such as a cousin, or friends. If you do, you might be breaking the terms of the NDA.

What is not allowed under the new rules?

There are some situations where the new rules don't allow victims of crime to speak about relevant conduct. In these cases, the NDA might still be legally enforced unless another law which allows you to share the information (like whistleblowing protections, which are set out below) applies.

The main instances when you are not allowed to share information about relevant conduct are:

- **To make the information public.** You can't share information with someone if the purpose is to make the information public. For example, telling a lawyer about the crime so they can speak about it to the media on your behalf is not allowed.
- **You may only share information described in the "Who can I talk to, and for what purpose?" section on pages 6-10, and only for the specific purposes related to the relevant conduct described for each group.** Sharing information with these groups for any other reason is not permitted. For example, you cannot disclose commercial information to these groups if it is not directly related to the relevant conduct outlined in that section.
- **To speak to someone other than the groups listed on pages 6-10.** You can't speak about relevant conduct to people or organisations not listed on pages 6-10 unless your NDA or another law says you are allowed to.

If you do not follow these rules, your NDA may still be enforceable, and the other party to your NDA may take you to court for breach of contract. If the court agrees that you have breached your NDA, you may have to pay financial compensation to the other party to your NDA, as well as their legal costs.

Existing limits on NDAs – key information

As well as the changes to the law which came into effect on the 1 October 2025, there are other limits on NDAs.

What can't an NDA do?

Prevent you from reporting crime to the police (protections under the common law)

Even if you've signed an NDA, you can't be validly prevented from reporting a crime to the police or making disclosures to other appropriate regulatory or statutory bodies in relation to a criminal offence. This rule applies to everyone, not just employees or victims of crime, and it applies to all NDAs, including those signed before 1 October 2025. For example, if an individual signed an NDA before starting work at a bank, which said they must not discuss anything that is said or happens at work, they might think that this prevents them from reporting to the police an assault against them by a colleague.

However, this is incorrect – NDAs cannot validly prevent someone from reporting a crime to the police. This is true regardless of whether the NDA was signed before or after the new rules introduced on 1st October 2025.

Whistleblowing and NDAs

A whistleblower is a worker who reports certain types of wrongdoing, usually about something they've seen at work:

- A criminal offence
- A failure to comply with a legal regulation
- A miscarriage of justice
- The endangerment of health and safety
- Damage to the environment
- That information in relation to any of the above is likely to be concealed.

This is called a "protected disclosure". It could be about something that happened in the past, is happening now, or might happen in the future.

If you're a worker and you make a protected disclosure, the law protects you from being treated unfairly or losing your job as a result.

To make a protected disclosure and qualify for protection:

- You must reasonably believe that reporting the wrongdoing is in the public interest (for example, if others could be harmed)
- You usually need to report it to your employer, a legal adviser, or a prescribed person. A prescribed person or body is an organisation or individual that a worker may approach outside their workplace to report suspected or known wrongdoing. A list of prescribed persons and bodies can be found [here on gov.uk](https://www.gov.uk).

In some limited circumstances, you can make the disclosure publicly (for example, to the media), for example if the issue is an “exceptionally serious failure” and in the circumstances it is reasonable for you to make that disclosure.

You can’t be prevented from whistleblowing. The law (section 43J of the Employment Rights Act 1996) says that no provision in a contract or NDA can validly prevent a worker from making a protected disclosure. If an NDA tries to do that, that part of the agreement is not valid and cannot be enforced.

More information about whistleblowing for workers can be found on [GOV.UK](https://www.gov.uk).

NDAs in Higher Education

From 1 August 2025, under the Higher Education (Freedom of Speech) Act 2023, English universities and other higher education providers registered with the Office for Students are not allowed to use NDAs to stop students, staff, members, or visiting speakers from speaking out to any person or persons in relation to a complaint about:

- Sexual abuse, sexual harassment or sexual misconduct
- Any other form of bullying or harassment not caught by the first bullet point

If a registered higher education provider tries to use an NDA in relation to such cases on or after 1 August 2025, the agreement will be legally invalid, and the provider could be subject to regulatory action by the Office for Students.

For example, if a student reports being sexually harassed by another student, the university should not ask the student to sign an NDA which would prevent them from speaking about the harassment.

What can NDAs still do under the new law?

Official Secrets Act 1989

The new law does not change the effect of the Official Secrets Act 1989. That Act prohibits the disclosure of certain types of sensitive information (e.g. information related to security or intelligence or defence). If disclosures are prohibited by the

Official Secrets Act 1989, the criminal offences relating to unauthorised disclosure will continue to apply.

Frequently Asked Questions

I have signed an NDA and want to talk about something that happened to me, but I don't know if it is a crime. Am I allowed to discuss it?

If you reasonably believe that what happened to you is a criminal offence which directly caused you harm, you are considered a victim of crime for the purposes of these changes and can speak about that conduct with the groups and for the purposes listed on page 6 of this guidance.

What happens if I do something that is not allowed under the new rules?

If you have signed an NDA and you do something that is not allowed under the new rules, the NDA may still be enforceable. This means you may be sued for breach of contract by the other party to the NDA in court. If a court agrees that you have breached your NDA, you may be required to pay a compensation to the other party to the NDA and their legal costs. If you are concerned, you should speak to a lawyer.

I signed an NDA before the 1 October 2025. What do the new rules mean for me?

The new law will only apply to NDAs signed on or after 1 October 2025. If an NDA was signed before that date, the previous rules apply, and the NDA might still be legally valid. You can always talk about criminal activity to the police, regardless of whether the NDA was before or after these changes.

My NDA, signed after the 1 October 2025, says I can't speak about my experiences with anyone. Do these new rules mean I can speak to certain people, despite what my NDA says?

Yes, you can speak to certain people for certain purposes related to relevant conduct as set out in the list of Permitted Disclosures, even if your NDA says you can't.