



City of Lowell - Law Department

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MEMORANDUM

TO: Eileen Donoghue, City Manager *EMD*

FROM: Christine P. O'Connor, City Solicitor

DATE: March 5, 2020

SUBJECT: **Motion Response – C. Elliott Req. City Council Vote to Prohibit the Use of Non-Disclosure Agreements Regarding Legal Settlements**

I write in response to the City Council's vote, advanced by Councilor Elliot's motion, to prohibit the use of nondisclosure agreements (NDA) regarding legal settlements.

NDAs are legal agreements between parties designed to keep certain defined information confidential. Recently, several states have introduced legislation to limit the use of nondisclosure agreements in sexual misconduct cases.

Settlements with the city have historically not contained NDAs. It is not uncommon, however, that in the case of employment separation agreements, employees have requested that disciplinary and dismissal documents remain confidential. In such cases, the city agrees to not disclose such material, but only to the extent allowable under public record laws.

Moving forward, pursuant to the vote of the council, NDAs will not be included in any settlement with the city, provided the party involved agrees.