

## NDA process for students undertaking placements with an external organisation where a separate NDA is required for the University to assess your work

Prior to your placement starting, you may be given a contract of employment by the organisation which places obligations of confidentiality on you, or you may have to sign a separate confidentiality agreement with the organisation. This is because the organisation is seeking to protect commercially sensitive information, intellectual property, methodologies, data, records, etc, from external parties. These obligations will be between you and the organisation however, you may wish to refer to such confidential information either in your written work or orally for assessment by the University. In this instance **you must make sure the organisation is aware that your academic supervisor/course director at the University will need to inspect the material you prepare for assessment toward your degree/award.** As soon as possible and at an early stage, you must determine with the organisation whether or not they require a Non-Disclosure Agreement (NDA) with the University.

In many cases it should be possible for you, through negotiation with the organisation, to edit and carefully word your report/dissertation such that an NDA is not required. It is important to realise that preparation of an NDA should be regarded as a last resort option if your report/dissertation would be very weak if confidential information was omitted from it.

### How to establish if an NDA is required

If you have not already done so, **before you leave your placement**, discuss a draft outline of your report with the organisation. Find out from the organisation whether or not they require a NDA to cover the contents of the report you submit. If not, get this confirmed in writing.

If such an NDA is required, the University will need to put in place a separate confidentiality agreement with the organisation.

### University requirements for assessment

The University is required to assess your work in accordance with national policies and procedures which inform University regulations to ensure the quality of your degree. Depending on the requirements of your module, your work may have to be assessed and copies retained in a certain way for a prescribed length of time. The University can send a bespoke NDA to the organisation that addresses these University requirements, and the action the University will take to protect the company's confidential information during that process.

### NDA Process

The organisation may wish to use their own NDA, and the University will consider a client NDA, however it must enable the University to assess your work in accordance with University regulations. A company NDA will always require review and potential negotiation by Legal Services, and may have additional obligations placed on the University that will require separate approvals. Wherever possible the organisation should be encouraged to use the University NDA.

The NDA process may require some additional input from you and if the company do ask for an NDA it is essential that you do as they ask. You must follow the process as set out below to make sure this is done. Failure to do this could result in you being unable to submit your work for assessment, or you could be required by the organisation to remove content from your work before submission to the University.

Your submitted report or other written work to be assessed will not be opened (and thus will not be marked) until the NDA is finalised with the company.

1. You should notify your academic supervisor/course director as early as possible if an NDA is required.
2. You must also notify the University Legal Services team who will arrange and sign the NDA with the organisation. You may be required to be involved in some of the discussions if appropriate.

Please send the request for an NDA as early as possible as there is often a degree of negotiation required for NDAs which cover assessment. The minimum timescale required by the University Legal team to set up the NDA prior to your submission date:

- Company's own NDA: minimum 3 weeks
- University NDA: minimum 1 week

Once the NDA is agreed and signed, Legal Services will send a copy to the organisation, to you and to your academic supervisor/course director.

## Submission of your work to the University with an NDA

In some cases, the organisation may wish to vet your report before it can be submitted for your assessment. Provided a suitable NDA is in place between the University and the organisation at the time of submission, the organisation should not wish you to amend your report. If such an NDA is in place and the organisation asks you to amend your report, and you have concerns that this could make your report weak and jeopardise your marks, you must raise this with the legal services team member who prepared the NDA and your academic supervisor / course director immediately.

Your academic supervisor/ course director will be able to provide details of the submission process and deadlines for your work. Be aware, if a signed NDA is not completed by the submission deadline you may still need to submit your work. Failure to have a completed NDA is not an acceptable reason not to hand in the rest of the submission.

Depending on your Department's requirements for submission and security to protect the confidential information, you may be required to hand in your work in a sealed envelope or via a secure electronic process which should also contain a copy of the fully signed NDA. Follow the procedure given to you by your Department, but write clearly on the envelope or via the electronic heading/title that the report is subject to an NDA that is either submitted with your work or still to be agreed.

You will be responsible for chasing the people involved in the NDA process to make sure it is complete by required deadlines.

We hope these arrangements make sense to you. Please study them carefully and THEN contact your academic supervisor / course director or your personal tutor if things still are not clear.