

Workplace Investigations

Contributing Editors

Phil Linnard at Slaughter and May

Clare Fletcher at Slaughter and May

13. Can non-disclosure agreements (NDAs) be used to keep the fact and substance of an investigation confidential?

Switzerland

Author: *Laura Widmer, Sandra Schaffner*
at Bär & Karrer

In addition to the above-mentioned statutory confidentiality obligations, separate non-disclosure agreements can be signed. In an internal investigation, the employee should be expressly instructed to maintain confidentiality.

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United Kingdom

Author: *Phil Linnard, Clare Fletcher*
at Slaughter and May

Only to a limited extent. As a matter of law, NDAs cannot prevent a worker from making a protected disclosure, or reporting a crime to the police. As a matter of the regulatory obligations of solicitors, NDAs should not be used in other ways, including as a means of influencing the content of disclosures, or by using warranties, indemnities and clawback clauses in a way that is designed to, or has the effect of, improperly preventing or inhibiting permitted reporting or disclosures (see the [SRA's warning notice on the use of NDAs](#)).

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Vietnam

Author: *Stephen Le, Trang Le*
at Le & Tran Law Corporation

Generally, NDAs can be used to keep the facts and substance of a workplace investigation confidential.

There are no express prohibitions against such NDAs. However, there are cases set out under Decree No. 13/2023/NĐ-CP on personal data protection where personal data is allowed or required to be disclosed without the data subject's consent, in instances that are necessary to serve the public interest or to protect the life and health of the data subject.

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Contributors

Switzerland

Laura Widmer
Sandra Schaffner
Bär & Karrer

United Kingdom

Phil Linnard
Clare Fletcher
Slaughter and May

Vietnam

Stephen Le
Trang Le
Le & Tran Law Corporation

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