

# CONDITIONS THAT A LEGAL NDA MUST MEET

Section 3 (Manitoba) and Section 4(3) (Nova Scotia)

This section seems confusing - it starts off sounding like it actually allows for NDAs! But they have to meet ALL these conditions:

The victim requests the NDA

**AND**

There is no pressure or coercion to sign

They have access to a lawyer for an opinion on whether to sign or not

**AND**

If the victim changes their mind after signing, can “waive” their own promise to keep the details of what happened to them confidential

The NDA must be time-limited (they are always indefinite in current usage)

**AND**

The NDA must not harm or make unsafe anyone else, or be against the “public interest”

**AND**

Any NDA that cannot meet all these conditions is unenforceable.

These conditions address the ways that NDAs are exploitative.

It is hard to imagine any NDA that can meet all these conditions (especially third party safety and harm).