

What Type of Nondisclosure Agreement Do You Need?



When someone wants to protect confidential information, it's common to use a written non-disclosure agreement (NDA) that's properly signed.

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There are two common kinds of NDAs — (1) unilateral and (2) mutual.

1. Unilateral Non-Disclosure

Agreement

With a unilateral NDA, one party is agreeing not to disclose the other party's confidential or proprietary information to third parties or to the public in general. It's called "unilateral" because the agreement is one-sided with only one party making the promises to protect data.

2. Mutual NDA

Naturally, a mutual non-disclosure agreement has both parties agreeing not to disclose each other's confidential or proprietary information to third parties or the public.

Which Nondisclosure Agreement Should You Use?

As a practical matter, it's easier to get the other party to sign a mutual NDA instead of insisting on a unilateral one in your favor. However, where the other party is at a distinct disadvantage or where it's clear that you will not be receiving proprietary or confidential information from that party, it's possible to get a unilateral NDA signed in your favor.

Is an NDA Part of a Contract or Its Own Independent Agreement?

It can be either an independent agreement or part of a broader contract covering other issues depending upon the circumstances.

In many instances, the NDA is a standalone contract signed by the parties. However, it's also common to have non-disclosure clauses or provisions as part of a larger agreement (e.g., a joint venture agreement).

Related Article: [Nondisclosure Agreement – Can You Use an NDA to Gag Employees?](#)

Confidentiality Agreement



Where Can Your Business Get the NDAs That You Need?

An experienced [business contracts lawyer](#) can prepare both unilateral and mutual NDAs.

Related Article: [Business Contract Template – The Pros and Cons](#)

The attorney can also add such [confidentiality](#) provisions to other contracts where it's important to protect data from disclosure.



About the Author

Mike Young has been practicing business and technology law since 1994. He's been an entrepreneur since 1988.

To get legal help from Attorney Young with your nondisclosure agreements and other contracts, [click here now](#) or call 214-546-4247 to schedule a phone consultation.