

NDA's, Privacy, and Power in Relationships



Overview

Non-Disclosure Agreements generally are used to protect confidential information in business settings, but they also can be used in more personal settings. This lesson introduces students to Non-Disclosure Agreements (NDAs) through the high-profile breakup of country music star Zach Bryan and podcast host Brianna LaPaglia. Students will explore NDAs as legal tools, weighing their benefits (privacy, protection) against concerns (silencing, abuse of power).

Essential Question: *Are Non-Disclosure Agreements (NDAs) in personal relationships necessary to protect privacy, or do they silence victims and protect misconduct?*

Supporting Questions:

- What is an NDA and how does it work?
- Why might someone want an NDA in a relationship?
- How can NDAs create or reinforce power imbalances?
- What role does public policy play in limiting or supporting NDAs?
- Do celebrities have the same right to privacy as ordinary citizens?

Objectives: By the end of this lesson, students will be able to:

- Explain what NDAs are and how they function in business and personal contexts.
- Create arguments for and against NDAs in intimate relationships.
- Evaluate the balance between privacy and accountability in the use of NDAs.
- Analyze how power and influence affect whether agreements are truly mutual.

Illinois Learning Standards for Social Science (9–12)

- SS.CV.1.9-12: Distinguish the rights, roles, and responsibilities of individuals in societies.
- SS.IS.6.9-12: Evaluate evidence and reasoning to support claims.
- SS.CV.4.9-12: Explain how institutions can promote or limit civic engagement and influence.

Common Core State Standards

- CCSS.ELA-LITERACY.RH.9-10.2: Determine the central ideas of a source; provide an accurate summary.
- CCSS.ELA-LITERACY.SL.11-12.1: Initiate and participate effectively in collaborative discussions.

Materials and Preparation

- Handout: **Background Reading on NDAs**
- Handout: **NDA Case Scenarios**
- Handout: Reflection Worksheet
- Chart paper or whiteboard for recording ideas

Time Required: 1–2 class periods

Procedure

Part 1: Hook and Background (10 minutes)

1. Begin with the hook question: *Imagine your ex offered you \$12 million to never talk about the relationship publicly. Would you take it?* Conduct a quick Turn and Talk, in which students pair up to share their ideas. Poll the class to see how many would take the money and how many would not.
2. Then ask: *What if you suspected your ex had a history of bad behavior and hurt others too? Would that change your decision?*
3. Share the context: country music star Zach Bryan offered his ex-girlfriend, podcaster Brianna LaPaglia, \$12 million to sign a Non-Disclosure Agreement (NDA) after their breakup. If she signed, she would not be able to talk about their relationship. She refused, saying she did not want to be silenced.

Part 2: Exploring NDAs (20 minutes)

1. Provide students with the **Background Reading on NDAs** handout. Allow time for students to read the handout or read it aloud with the class. Be sure students understand what an NDA is and its use in business vs. personal life.
2. Discuss the questions provided on the handout, drawing out the pros (privacy, protection of a business's secrets) and cons (silencing, power imbalance, misuse) of NDAs; you may want to chart responses.

Part 3: Small Group Activity – Evaluating NDAs (15 minutes)

1. Tell students that they are going to be working in small groups to consider a case in which an NDA has been proposed. They will be making two decisions: (1) whether they would sign the NDA if they were the person involved and (2) whether they would rule if the NDA was legally enforceable if they were asked to rule on it.
2. Distribute the **NDA Case Scenarios** handout. Create five groups and assign one scenario to each group. If they finish before the time expires, they can discuss the next case on the handout.

Allow time for groups to make their decisions and prepare a one-sentence explanation of each decision to share.

Part 4: Whole Group Discussion (10-20 minutes)

1. Ask each group to share their decisions and the reasons behind each. Allow other groups to indicate whether they agree or disagree.
2. Conduct a concluding discussion of how NDAs reflect or inhibit such American values as privacy, free speech, and accountability.

Part 5. Reflection (10-15 minutes)

1. Ask students to complete the **Reflection Worksheet** handout.

Extension

- Focus students on the question: *Should NDAs in personal relationships be unenforceable as a matter of public policy?* Students could take part in a discussion of this question using a discussion model your students are comfortable with. One option would be a human continuum: Create a continuum along one wall of the classroom with the word “Yes” at one end, “Undecided” in the center, and “No” at the other end. Ask students to stand along the continuum to show their opinion: If they are confident such NDAs should be banned, they should stand at the “Yes” end, if they think they should be banned but are less sure, they should stand somewhere between “Yes” and “Undecided” to show the strength of the opinion, etc. Let students they can move at any time. When students have taken their places, let those at each end of the line give the reasons for their positions. Allow students towards the middle to respond and ask questions. When the discussion lags, have students return to their seats. Ask them to identify the best argument they heard for the opposing position.
- As another option for considering the question of banning NDAs in personal relationships, have students do one of the following: (1) imagine they are members of the state legislature considering a bill that would ban NDAs in personal relations and are receiving letters from constituents; write a letter describing and defending their position on the proposal or (2) imagine they are constituents; write a letter to their state legislator asking them to oppose or support the proposed ban.
- Working in pairs, have students create a scenario in which one partner wants the other to sign an NDA. The pairs should then draft a short NDA with two to three clauses. They can then trade with another pair to critique. Does it meet the legal requirements? Is it fair? Is it enforceable?

Handout: Background Reading on NDAs

The Parties

In October 2024, country music star **Zach Bryan** and podcast host **Brianna LaPaglia** broke up, and the split quickly went viral. LaPaglia revealed that Bryan had offered her **\$12 million** to sign a **Non-Disclosure Agreement (NDA)** after their breakup. She refused the money, choosing instead to speak publicly about what she described as emotional abuse in their relationship. LaPaglia also suggested Bryan may have offered similar agreements to other ex-partners.

NDAs 101

Non-Disclosure Agreements (NDAs) are legal agreements not to share information. Companies have used them for many years to protect trade secrets, like the formula for a new product, and other confidential information. Businesses have asked employees, investors, and others to sign NDAs. People signing generally receive a benefit—a job or information useful in deciding whether to invest, for example.

But NDAs have also gotten personal. Everyone has personal information they want to keep private. You might tell secrets to close friends but wouldn't want those secrets blasted out on social media==so you might ask your friend to pinky promise not to tell.

For public figures, the concern is even greater. That's where **NDAs** come in. Celebrities use NDAs to protect details about relationships, health, or finances. NDAs used to protect sensitive personal information shared during a relationship are called "intimate NDAs." The person agreeing not to share private information often receives payment in exchange. Intimate NDAs are sometimes signed at the beginning of a relationship or at the end.

But NDAs must meet certain standards. Courts may strike them down if they conflict with public policy. To be legally enforceable, an NDA must:

- Describe the confidential information without being unreasonably broad.
- Provide something of value in exchange for secrecy.
- Not be an attempt to cover up illegal activity or prevent legal whistleblowing.
- Be signed by all parties.

The Case for NDAs

For celebrities and other high-profile individuals, protecting their privacy can be nearly impossible. NDAs help set boundaries and protect against personal details being revealed in books, podcasts, or interviews.

In theory, both sides benefit. For example, if LaPaglia had signed Bryan's proposed NDA, she would have received \$12 million, while Bryan would have gained privacy protections. For public figures, NDAs can create the safety needed to build trusting relationships.

The Dark Side of NDAs

Still, NDAs raise serious concerns. The more powerful party, who generally has more money and influence, can pressure the other person to sign. This can silence people from speaking out about misconduct.

Critics argue that NDAs have been misused to **cover up abuse**. The #MeToo movement revealed how powerful figures used NDAs to keep victims quiet. In response, many states now limit their use:

The federal Speak Out Act voids NDAs that were signed before a sexual harassment or assault claim arose.

- **California** restricts NDAs in sexual harassment cases.
- **Illinois** limits NDAs in discrimination cases.
- **Washington** prohibits NDAs that cover illegal conduct.

NDAs can also restrict creative expression. Breakups often inspire art—think Adele, Shakira, or Taylor Swift. LaPaglia is a podcast host. Signing Bryan's NDA could have hurt her ability to talk openly, which is a big part of her career.

Conclusion

The debate over NDAs highlights the tension between **privacy** and **accountability**. For celebrities, NDAs may protect private relationships, but they can also silence victims and shield misconduct. In the case of Zach Bryan and Brianna LaPaglia, the NDA never took effect—because LaPaglia refused the \$12 million deal and decided to speak out.

Questions to Discuss

1. Should NDAs be allowed in private relationships as a matter of public policy? Why or why not?
2. Do celebrities deserve different privacy rights than ordinary citizens? Explain your reasoning.
3. How do NDAs reflect values such as privacy, accountability, or free speech?
4. What happens when one party has much more power than the other in signing an agreement?
5. What responsibilities do individuals have when they possess information that could harm another person's reputation? What if that information involves potential misconduct?

Handout: NDA Case Scenarios

Directions: Your teacher will assign your group one of the following cases. In your group, you will make two decisions: If you were asked to sign this NDA, would you? Why or why not? Think about how values like privacy, fairness, free speech, and accountability should influence your decision.

If you were a judge asked to decide if this NDA is legally enforcement, what would you say? Why? Be sure to consider if the NDA meets the requirements for enforceability.

Your case is: _____

1. Would you sign this NDA? Why or why not?
2. As a judge, would you rule that this NDA is enforceable or unenforceable. Explain your answer.

Case 1: The Celebrity Breakup

A famous actor asks their ex-partner to sign an NDA that prevents them from ever discussing their relationship. In exchange, the actor offers \$5 million. The ex-partner works in media and often talks about relationships on their podcast.

Case 2: The Startup Secret

Two college friends start a business. One asks the other to sign an NDA promising not to reveal their new product idea. The NDA includes financial penalties if broken.

Case 3: The High School Athlete

A star athlete at a private high school is accused of bullying. The school asks the student who reported it to sign an NDA in exchange for a scholarship, preventing them from talking about the bullying publicly.

Case 4: The Musician's Muse

A songwriter's ex-partner is about to release a book with personal details about their relationship. The songwriter offers \$500,000 for the ex to sign an NDA and cancel the book deal.

Case 5: The Workplace Agreement

An employee leaves a company after experiencing harassment. The company offers a large severance package, but only if the employee signs an NDA preventing them from talking about what happened.

Handout: Reflection Worksheet

Take time to reflect on your own views about NDAs.

Answer the questions below thoughtfully. Your responses should connect your opinions to the ideas of privacy, accountability, fairness, and free speech.

1. In your opinion, should NDAs in personal relationships be enforceable? Why or why not?
2. Do you think celebrities deserve different privacy rights than ordinary citizens? Explain your reasoning.
3. How do NDAs affect the balance of power between people with money/influence and those without?
4. Which American values (such as freedom of contract, right to privacy, or free speech) do you think are most important in these cases?
5. What was one thing you learned or reconsidered during the group discussions?