

TermScout Launches Contract Signals Report™ Series with New Research on AI Governance in NDAs

New research reveals how AI disclosure and governance requirements are reshaping early-stage contracting and changing the role of the NDA.

SAN FRANCISCO, CA, UNITED STATES, June 16, 2026 /EINPresswire.com/ -- TermScout, the company behind TrustMark™ contract certification and contract intelligence solutions, today announced the launch of Contract Signals Report™, a new research series examining emerging market behavior revealed through real-world contract data.



The contract language is changing because the trust model is changing."

Olga V. Mack, CEO, TermScout

According to the report, AI-related provisions are

appearing earlier in the contracting lifecycle, across a broader range of industries, and with increasing operational specificity. Among the report's findings, 38% of enterprise NDAs reviewed through the Certify™ platform in Q1 2026 contained at least one AI-related provision, while AI disclosure obligations increased 240% year-over-year.

The inaugural report, [The NDA Was Never Designed for AI](#), analyzes how organizations are increasingly using non-disclosure agreements to address AI governance concerns that traditionally sat outside the scope of confidentiality agreements.

Drawing on contract data reviewed through the TermScout Certify™ platform, the report explores a growing shift in market behavior as organizations seek earlier transparency into AI usage, model training practices, data handling, operational controls, and governance frameworks.

"Most organizations still think of NDAs as confidentiality agreements," said Spencer Lasley, Vice President of Product at TermScout. "What we're seeing in the data is something different. Companies are increasingly using NDAs to ask governance questions long before procurement or technical diligence begins. They're looking for transparency into AI systems, data use, model training, and operational controls at the very start of a relationship."

According to the report, AI-related provisions are appearing earlier in the contracting lifecycle, across a broader range of industries, and with increasing operational specificity. The findings suggest that organizations are attempting to solve trust and governance concerns before commercial relationships advance to later diligence stages.

The report argues that this shift is creating tension between the traditional purpose of NDAs and the growing governance expectations organizations place on them.

"The NDA was never designed to answer questions about AI governance," said Olga V. Mack, CEO of TermScout. "Yet organizations increasingly want transparency into how AI systems are trained, how data is used, who has access, what rights exist, and what controls are in place.

The market is effectively trying to create a new trust layer between initial conversations and formal diligence. The contract language is simply revealing that shift in real time."

The report identifies several emerging themes, including:

- Increased demand for AI operational transparency before procurement begins
- Growing concern around model training rights, retention practices, and downstream data use
- Expansion of governance-related language into traditionally narrow confidentiality agreements
- Early signs of new disclosure frameworks, governance schedules, and AI-specific transparency mechanisms
- A broader shift toward contracts serving as operational governance systems rather than solely legal documents

The Contract Signals Report™ series reflects TermScout's belief that contracts are more than legal documents. They are signals of trust, governance, risk, and market behavior.

Unlike traditional legal research focused primarily on doctrine and case law, Contract Signals Report™ examines what contracts reveal about market behavior, governance maturity,

**CONTRACT SIGNALS
REPORT™**
Mid-Year 2026 Edition

Emerging Market Behavior from
Real Contract Data

The NDA was never
designed for AI.

How AI Disclosure
and Governance are
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contracting

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**TERM
SCOUT™**

The Contract Signals Report™ examines how AI disclosure requirements and governance provisions are transforming NDAs from simple confidentiality agreements into early-stage trust and risk management tools.

The graphic features a central stack of documents with a shield icon, surrounded by icons for AI, a lock, a search, and a group of people. A large '38%' is highlighted in a rounded box, indicating the percentage of enterprise NDAs reviewed in Q1 2026 that contained AI-related provisions. The TermScout logo is at the bottom.

negotiation patterns, operational trust, and commercial decision-making.

Future editions of Contract Signals Report™ will examine emerging trends involving AI governance, procurement controls, liability allocation, data rights, operational transparency, vendor accountability, and other shifts in market behavior revealed through real-world contract data.

The full report, *The NDA Was Never Designed for AI*, is available now.

About TermScout

TermScout helps organizations understand, benchmark, certify, and improve commercial agreements. Through TrustMark™ certification, market benchmarking, contract intelligence, and emerging governance analysis, TermScout helps legal, procurement, sales, and business teams make faster, more informed contract decisions.

For more information, visit [TermScout.com](https://www.termscout.com).

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