

9.21 Mobile Phones v3.0

9.21 Mobile Phones Homepage

This policy is about the use of mobile phones and similar devices e.g. Blackberrys and Personal Data Assistants (PDAs) in vehicles and the policy regarding the reimbursement of private calls/texts/use of data made on a business mobile phone and similar devices.

- You must not use a hand-held phone or similar device while driving (it is illegal), except to call 999 – [Section 1.2 Prohibition on the Use of Mobile Phones etc](#)
- You should not use a hands-free phone, rather it should be set to voicemail – [Section 1.4 Prohibition on the Use of Mobile Phones etc](#) and [Section 1.5 Prohibition on the Use of Mobile Phones etc](#)
- You should ensure that you turn off data usage whilst roaming otherwise you will be responsible for paying the roaming charges – Section 2 Data Roaming Charges
- If you make private calls/texts/data usage from your business mobile service you must reimburse the cost – [Section 3 Reimbursement of the Cost of Private Calls](#)

You may also be interested in the following policies:

[9.20 Costs of Official telephone calls from Private Residences](#)

9.21 Mobile Telephones

1. Prohibition on the Use of Mobile Phones and similar devices while driving

1.1 This Section sets out the policy on the prohibition on using mobile phones and hands-free kits, or similar, while driving.

1.2 On 1 February 2004 the Motor Vehicles (Construction and Use) (Amendment No 5) Regulations (Northern Ireland) 2003 made the use of a hand-held phone, or similar device, when driving any motor vehicle on the road, an offence. Driving includes times when stopped at traffic lights or during other short hold-ups that may occur during a typical journey. The legislation also applies to anyone supervising a learner driver, while the learner driver is driving. There is an exemption for calls to 999 (or 112) in genuine emergencies where it is unsafe or impractical to stop.

1.3 A hand-held device is something that is or must be held at some point during the course of making or receiving a call or performing any other interactive communication function. A device is 'similar' to a mobile phone if it performs an interactive communication function by transmitting and receiving data, e.g. Blackberry and Personal Data Assistant (PDA). The penalty is a £60 fixed penalty together with 3 points which must be endorsed on the driver's licence. The maximum fine on conviction in court is £1000 and where the offence is committed whilst driving a goods vehicle or minibus the maximum fine is £2500. On conviction, the court has discretion to impose a disqualification from driving.

1.4 Staff are banned from using mobile phones, or similar, for business use while they are driving. Drivers should switch to voicemail before commencing any journey. Should a mobile phone or similar device activate whilst you are driving do not answer it until you have parked safely.

1.5 While the law does not prohibit the use of hands free kits while driving, there is a clear danger of distraction in such use. You still risk prosecution for failing to have proper control of a vehicle under Regulation 120 of The Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 if you use a hands-free device when driving. If there is an incident, the use of any such device may justify charges of careless or dangerous driving. The Royal Society for the Prevention of Accidents' (RoSPA) advice to employers, based on research, is that hands-free phone kits and similar devices are also distracting and employers should prohibit their use. The NICS has accepted RoSPA advice and the use of hands-free phones and similar devices, while driving on official business, is prohibited. Staff will not be subject to any sanction by management for not answering business calls while driving.

1.6 The use of 2-way radio equipment by staff for business when driving, while not included in the new offence, is also prohibited for the reasons described in paragraph 1.5 above.

2. Data Roaming Charges

2.1 Staff are reminded that SMS text messages are free to receive anywhere in the world but incur a roaming and domestic charge if sent whilst roaming. The application of roaming rates varies from network to network but are always relatively expensive.

2.2 Only in the most exceptional of circumstances and where it has been pre-approved will Departments pay for the roaming costs associated with data usage.

2.3 Staff should ensure that they turn off data usage whilst roaming otherwise they will be responsible for paying the roaming charges.

3. Reimbursement of the Cost of Private Calls/Texts/Data Usage

3.1 This section sets out the policy on the reimbursement of the cost of private calls, text messages and data usage from mobile telephones or similar devices provided to you for official use, where Departments allow private use of such telephones.

3.2 'Mobile telephone' means a telephone not physically connected to a landline and includes Blackberry and Personal Data Assistant (PDA) type devices and car telephones. It does not, however, include cordless telephones.

3.3 'Private use' means any use to make calls/texts/data usage, or accept reverse charges calls, other than those made wholly, exclusively and necessarily in the performance of your duties, for example a call/text home by you to say that you had been delayed at work would be private use.

3.4 If you make private calls/texts or use data from a mobile telephone service which has been provided by your Department for official use you must reimburse the full cost of the private calls/texts/data usage to your Department.

3.5 When issuing mobile telephones or similar devices to staff, Departments should remind them of the rules by having them sign a declaration along the lines of that at [Annex 1](#).

3.6 Departments must be in a position to demonstrate that these rules are being adhered to. They should, therefore, have in place the necessary procedures to ensure that accounts are scrutinised for evidence of private use before being authorised for payment, that records are maintained to show that such scrutiny took place and that reimbursement of the full cost of private calls/texts/data usage were made.

9.31 Mobile Telephones

ANNEX 1

DECLARATION AND UNDERTAKING

1. I _____ declare:

(full name)

a. that I have read a copy of NICS Staff Handbook, General Employment, Chapter 9; and

b. that I have read and understand the conditions attached to the use of the mobile telephone supplied to me by my Department/Agency.

2. I undertake to inform my Department/Agency of any private calls/texts/data usage made and to make good the full cost of any such calls/texts/data usage as defined in paragraph 3.3

Signed: _____

Branch: _____

Department: _____

Date: _____