

EMPLOYMENT POLICY

# Mobile Phones and Digital Devices

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## 1. Introductions

- 1.1. This policy provides managers and employees with the procedures and guidelines to follow in order to manage the use of mobile phones and other wireless devices within the organisation.
- 1.2. This policy applies to all employees of the Lothian Group with exception to all employees within Lothian Motorcoaches.

## 2. Eligibility

- 2.1. Lothian will only provide a mobile phone/device if there is a business need specific to the individual's job role. Work mobile phones are provided at the discretion of the business and must be returned on the last day of employment or as and when requested by the Head of IT or the employee's Head of Department.
- 2.2. Applications for a mobile phone should, in the first instance be made at least 3 weeks before being required, to the IT Department through the appropriate Line Manager. Upon receipt of a request, the Head of IT will seek authorisation for purchase from the relevant business Director.

- 2.3. Applications that are not approved by the relevant business Director will not be processed.

### **3. Mobile Phone Usage**

#### **Work Mobile Phones**

- 3.1. Work mobile phones should not be used for excessive personal use, and if deemed excessive a recharge may apply.
- 3.2. Work mobile phones must not be re-allocated to others and should be returned to the IT department to ensure any programs or data is removed before reissuing. The reissue of a work mobile phone is a matter for the IT department.
- 3.3. Employees issued with a work mobile phone are expected to take reasonable care of the phone. It should not be left in a visible place, where it could be stolen, such as in an unattended car. Loss of a work mobile phone should be reported to the employee's line manager, the IT Department and the Data Protection Officer on 0131 475 0280, as soon as practicably possible after it has been lost so that the handset can be deactivated.

#### **Personal Mobile Phones**

- 3.4. The use of Personal mobile phones may be used during working hours, but such use must be kept to a minimum, be reasonable and in no way interfere with the employee's work. Any employee who is deemed to be excessively using their mobile phone during the working day for non-work purposes may be subject to disciplinary action or instruction to cease the use of the device. There are restrictions in certain areas of the business as to where mobile phones may be used i.e. employees working within front facing roles, for example customer services, must ensure their personal mobile phones are not visible to the public. They should also not be used for the recording of images whilst on company property without express permission being granted, this would normally be at an event or similar activity.
- 3.5. The use of personal mobile phones to access work emails is strictly prohibited. However, exception may be given by both the Head of IT and the employee's Head of Department if access to work emails is necessary to an employee's role.
- 3.6. Employees are responsible for ensuring that their mobile phone usage does not contravene the Computer Usage and Information Security Policy. A copy of this policy can be found on the intranet, under the 'Document Centre'. In particular, individuals are reminded that data stored on

mobile devices is bound by the same legislation, General Data Protection Regulation, Data Protection Act 2018, Freedom of Information Act 2000, Regulation of Investigatory Powers Act 2000 as per data stored on other company systems and computers.

## **4. Etiquette**

- 4.1. All employees, whether using a work or personal mobile phone are asked to be considerate in the use of their mobile phone and consider turning them off or placing them on 'silent' mode when their use could be distracting, for example during meetings and training sessions. Mobile phone usage may be restricted or banned during certain business activities.
- 4.2. When visiting other organisations or customers, employees should also observe any restrictions in place on the use of mobile phones, including requests to turn them off or place on 'silent' mode and to not use them for the purpose of recording images.

## **5. Driving**

- 5.1. It is illegal to use a handheld mobile phone or similar device while driving.

- 5.2. Whilst using a hands-free free mobile phone use is legal, it is distracting and can therefore be dangerous. The use of a hands-free mobile phone or other interactive communication devices while driving can reduce concentration and increase the likelihood of an accident occurring.
- 5.3. For the purpose of this policy, "Interactive communication devices" includes sending or receiving oral or written messages or still or moving images, accessing the internet e.g. the use of a Smartwatch or using a wireless Bluetooth earpiece/earbuds.
- 5.4. The use of mobile phones and other interactive communication devices (other than two-way radios) while driving is as follows:
- 5.4.1. **Buses** - Whether hand held or hands free, must not be used by any employee while the employee is driving a bus on the road on business or in the cab even if the engine is switched off.
- 5.4.2. **Coaches** - The use of a hands-free device is allowed however it must only be the device fitted in the coach for business purposes. Please see the Lothian Motor coach Mobile Phone Policy for further information.

- 5.4.3. **Cars and Vans** - The use of a hands-free device is allowed only if it is connected through the Bluetooth system in the vehicle, however making use of this system is discouraged as per Section 5.2. In the event that this is not possible, the driver must pull over and switch off the engine before making or receiving any call.
- 5.5. "Driving" for these purposes includes any time while the vehicle is on the road and its engine is running, even if the vehicle is stationary. This includes time spent stopped at traffic lights or during other hold-ups.
- 5.6. All PCV Drivers must not use their mobile phones or other interactive devices while in the cab even if the engine is switched off.
- 5.7. All employees while driving must ensure that they don't interact with a Smartwatch. A Smartwatch should not be used for making or receiving phone calls, email, social media use, text or video messages, regardless of whether it is worn by the driver or not.
- 5.8. Professional drivers have a responsibility to maintain a high standard of driving to ensure the safety of others.
- 5.9. If a PCV Driver is caught using a hand-held mobile phone or other interactive device whilst driving, or while in the

driver's cab even if the engine is switched off, they could face a suspension from driving commercial vehicles, which could be in addition to a fine and points they may receive.

5.10. When in areas where traffic movement is likely i.e. the garage floor, mobile phones may only be used when on a designated pedestrian walkway /pavement or other place of safety i.e. a building.

5.11. The use of ear phones/head phones on the garage floor areas including walkways is not permitted.

5.12. All employees should ensure that mobile phones and other communication devices are switched to silent, voicemail, call diversion or a message service before beginning their journey on business. If an employee accidentally omits to switch his/her mobile phone or other communication device on to voicemail, call diversion or a message service he/she should not, under any circumstances, answer the device while driving.

5.13. Managers should not ask an employee to make or receive a phone call while driving. All managers must ensure that the organisation's policy on mobile phones and other interactive communication device use while driving is

complied with within their area of responsibility. Please refer to section 5.4.

5.14. The exception to the ban on the use of mobile phones or other interactive communication devices while employees are driving while on business is where it is necessary to contact the emergency services on 999 or 112 due to a genuine emergency and it is unsafe or impracticable for the employee to stop driving in order to make the phone call.

5.15. Any employee who disregards these rules may be subject to disciplinary action.

## **6. Mobile Services**

6.1. Use of, or subscription to, premium and/or interactive mobile services using a Company phone is strictly prohibited unless authorised by the line director and IT department. This includes (but is not limited to) the downloading or forwarding of ring tones, videos and live streaming.

6.2. Failure to comply with this may result in disciplinary action being taken against an employee.

6.3. Employees should be mindful of the information that is posted on their own social networking sites. Employees who are deemed to bring Lothian or its brand into disrepute via social media, social networking or other electronic means will be dealt with under the disciplinary policy. Please refer to the Social Media Policy for further information.

## **7. SIM Swapping**

7.1. Lothian does not permit the transfer of a SIM card from a supplied handset to a personal device. This may incur substantial costs for incorrect tariff usage and Lothian will seek full recompense for any additional charges incurred due to this action. This may also cause serious security breaches where 'data' based devices carry Lothian data and information.

## **8. Monitoring**

8.1. Lothian monitors the use of Company mobile phones. Monitoring is in the organisation's legitimate interests and is for the purpose of ensuring that employees are using mobile phones in accordance with this policy.

- 8.2. The information gathered through monitoring will be retained only long enough for any breach of this policy to come to light and for any investigation to be conducted.
- 8.3. Information obtained through monitoring will not be disclosed to third parties (unless the organisation is under a duty to report matters to a regulatory authority or to a law enforcement agency).
- 8.4. Employees have a number of rights in relation to their data, including the right to make a subject access request and the right to have data rectified or erased in some circumstances. Further details of these rights and how to exercise them is in the organisation's Privacy Notice. If employees believe that the organisation has not complied with their data protection rights, they can complain to the Data Protection Officer.

## **9. Breach of this Policy**

- 9.1. Breach of this policy may be treated as misconduct. Whether it is minor or gross misconduct will depend on the circumstances, but a breach of the driving provisions will be treated as gross misconduct.

9.2. Employees who have been issued with a work mobile phone and who subsequently breach the terms of this policy, may have their phone withdrawn.

## 10. Linked Policies

- Disciplinary Policy

## 11. Version Control

Version No.	Date of Change	Change made by:	Key Amendments
V1.0	09/03/2020	S Murphy	Published
V2.0	14/10/2020	S Murphy	Update to clause 5.3
V3.0	11/12/2023	N Connor	Update to clause 5.4.3

**This policy does not form part of employees' terms and conditions of employment and may be varied from time to time in accordance with business and legislative requirements.**