



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-02301

Keyword: Road Policing

Subject: Using a Mobile Phone Whilst Driving

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act I can confirm that the Police Service of Northern Ireland does hold information to which your request relates. The decision has been taken to disclose the following.

Request 1

I would like information on how an officer is instructed to implement “use of a mobile phone” when driving:

Touching a phone on a hand held cradle to reject a call - is this an offence?

Answer

No, this would not be deemed to be hand-held, consequently no offence disclosed.

Request 2

Taxi drivers using a map / arranging next pick up / is this an offence?

Answer

It covers the use of 2 way radios. if a phone is in a cradle, touching the screen will not constitute an offence under the mobile phone legislation; however it may be a breach of “driver failing to have proper control of a vehicle” which attracts a similar penalty.

Request 3

Handing a phone to another person yet not on a call ... is this an offence using an iPod music player?

Answer

If the phone was 'used' by the driver. This means making or receiving a call, sending or reading a text, accessing the internet or otherwise performing an "interactive communication function".

If a phone is used to stream music, then it could be consider that it is being used in an “interactive function” contrary to the law. if the music is downloaded and being played, then no offence disclosed. however, if in the act of accessing the device whilst driving and the manner of driving is compromised, then the offence of “driver failing to have proper control of a vehicle” may be appropriate.

Request 4

Is it the police officer's own assessment of the situation?

Answer

An officer is required to observe behaviour which would lead to the reasonable suspicion that a hand held mobile phone is being used whilst driving. The officer must satisfy the points to prove in the legislation.

Request 5

What training is given to an officer regarding this?

Answer

Officers are provided with service briefings on this subject and any changes or updates are continually briefed accordingly.

Request 6

Is the individual officer who defines the law regarding this?

Answer

No - as with all legislation an officer is trained to identify the necessary points to prove in order to achieve a successful prosecution.

For assistance I have also provided a separate document which is available from NI Direct which may assist you on this subject.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psnipolice.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.