The Corporation of the Municipality of Brockton

By-Law 2019-124

Being a By-Law to Adopt a Cell Phone/Mobile Device Policy for the Municipality of Brockton.

Whereas The Council for The Corporation of the Municipality of Brockton deems it expedient to establish policies;

And Whereas the *Municipal Act 2001, S.O. 2001*, c 25, Section 5(3), as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law;

Now Therefore the Council of The Corporation of the Municipality of Brockton enacts as follows:

1.0 That The Corporation of the Municipality of Brockton Council hereby adopts a Cell Phone/Mobile Device Policy as contained in the attached Schedule "A" to this By-Law.

2.0 This By-Law shall come into full force and effect upon final passage.

3.0 This By-Law may be cited as the "Adopt Cell Phone/Mobile Device Policy By-Law".

Read, Enacted, Signed and Sealed this 15th day of October, 2019.

_____ _____

Mayor – Chris Peabody Clerk – Fiona Hamilton

Brockton
Come home to community

Policy H02-0600-19

Cell Phone/Mobile Device Policy

Department:	All Departments and Council	**Policy Number:**	H02-0600-19
Section:	Human Resources	**Effective Date:**	October 15, 2019
Subject:	Cell Phone/Mobile Device Issuance	**Revised**	
Authority:	**Date:** By-Law 2019-124		

1. Purpose

The purpose of this Policy is to ensure that Municipality of Brockton issued cell phones/mobile devices are maintained and used in a manner that protects and preserves the integrity of information stored and transmitted on and through such devices; to provide employees with clarity regarding their usage obligations; to ensure information is preserved for MFIPPA disclosure requirements, and to ensure compliance with applicable laws and regulations. Reference is also made to the A23-0100-12 Information Technology Acceptable Use Policy.

2. Application

a) To assist the employee with their job duties, the Municipality may provide the employee with a cell phone/smart phone/mobile device owned by the Municipality ("Cell Phone").

b) The Cell Phone is to be used primarily for business purposes. The employee may use the Cell Phone for personal use within reasonable limits as long so long as it does not interfere with or conflict with business use, and does not impair the employee's ability to fulfill their work duties. Employees should particularly note that personal use of the Cell Phone is subject to all provisions of the Information Technology Acceptable Use Policy.

c) The Municipality may access, monitor (including random spot checks), review, copy or disclose all information stored and transmitted through the Cell Phone. This includes when reasonably necessary access to the employee's personal information, documents, photos, applications and/or data related to personal use of the Municipal Cell Phone.

d) The employee has no expectation of privacy when using any Municipal electronic system (reference Information Technology Acceptable Use Policy) and this includes both Municipal business use and personal use of the Cell Phone.

e) The Cell Phone must be immediately returned or provided to the Municipality at any time on request of the Municipality for any reason including but not limited for the purpose of CFO review for Policy compliance, monitoring and/or IT maintenance

activities. During CFO activities they will take reasonable precautions not to remove or damage the employee's personal information or data but this cannot be guaranteed.

f) Employees are reminded that password protocols apply to Cell Phones and Cell Phone passwords must be provided to CFO as per Information Technology Acceptable Use Policy.

g) The Cell Phone must be immediately returned to the Municipality on departure of the employee due to resignation, termination or extended leave of absence. If the employee has saved personal information on the Cell Phone, such as personal pictures or documents, CFO will respond to a request that such information be copied and provided to them using reasonable efforts, but this cannot be guaranteed. The Municipality is not responsible for the loss of any personal information of the employee stored on the Municipal Cell Phone. If the employee fails to return the Cell Phone on request the employee is responsible for the full replacement cost of the Cell Phone.

h) The Municipality covers the cost of the Cell Phone including plan overage charges and roaming charges when the Cell Phone is used for Municipal business. The Municipality reserves the right to request details to support the plan overage charges for Municipal business as may be reasonably required to confirm that the nature of the use and related charges was for Municipal business rather than personal use.

i) When using the device outside of Ontario or Canada the employee must contact the CFO in advance to arrange an appropriate data package for use of the Cell Phone for Municipal business while outside of Ontario or Canada. Failure to do so will result in the employee being responsible for data charges incurred.

j) Data/overage charges and roaming charges which are related to personal use of the Cell Phone by the employee are the responsibility of the employee, must be reimbursed to the Municipality and should be disclosed by the employee as soon as possible.

k) Employees should take all reasonable care to ensure the Cell Phone is safe and secure. A lost or mislaid Cell Phone must be immediately reported to the Municipality.

l) Employees who resign or retire from employment with the Municipality (excludes instances of termination) may request their Cell Phone number to be transferred to a personal phone for approval by the CAO. Any expense related to this Cell Phone number transfer will be incurred by the employee.

m) Should an exceptional circumstance occur, such as loss of the Municipal issued Cell Phone while travelling on Municipal business, resulting in an employee temporarily using their personal cell phone for Municipal related job functions the employee must advise the Municipality of such use. Further, on the first opportunity the employee must present their personal cell phone for review by CFO to ensure that all Municipal information and data is preserved on Municipal systems and removed from their personal Cell Phone.

n) The Information Technology Acceptable Use Policy A23-0100-12 applies to Cell Phone use.

o) If the employee violates these obligations the Municipality may revoke the right of the employee to use the Cell Phone for personal use or altogether.

p) Any questions regarding this Policy should be directed to the CFO or to the CAO.

q) Note that failure to appropriately comply with and adhere to this Policy may result in disciplinary action up to and including termination.

r) The Cell Phone Acknowledgment Form attached as Schedule "A" shall be signed by each municipal employee upon issuance.

Schedule A to Policy H09-0600-19

Cell Phone Mobile Device Policy and Replacement Cost Acknowledgement

Mobile Device Type: _____

Password: _____

Features/Notes:

_____
_____
_____
_____
_____
_____
_____
_____

I acknowledge and agree that I am being issued a Municipal owned Cell Phone.

I have reviewed the Cell Phone/Mobile Device Use Policy which governs my use of the Cell Phone.

If I fail to return the Cell Phone on request including on resignation or termination of employment I am responsible for the full replacement cost of the Cell Phone. I hereby authorize the Municipality to deduct the full replacement cost from my employment pay including any final payment upon resignation or termination or employment.

Dated this _____ day of _____, 20____.

_____ _____

Witness Employee Signature

Schedule A to Policy H09-0600-19

Cell Phone Mobile Device Policy and Replacement Cost Acknowledgement

Mobile Device Type: _____

Password: _____

Features/Notes:

_____
_____
_____
_____
_____
_____
_____
_____

I acknowledge and agree that I am being issued a Municipal owned Cell Phone.

I have reviewed the Cell Phone/Mobile Device Use Policy which governs my use of the Cell Phone.

If I fail to return the Cell Phone on request including on resignation or termination of employment I am responsible for the full replacement cost of the Cell Phone. I hereby authorize the Municipality to deduct the full replacement cost from my employment pay including any final payment upon resignation or termination or employment.

Dated this _____ day of _____, 20____.

_____ _____

Witness Employee Signature