

THE HEARTH RESEARCH

A Morporkian Civil Liberties Union case file

Research brief, The Morporkian Civil Liberties Union (MCLU)



A household service in Ankh-Morpork sells a shared plan: one account, one named holder, and as many numbers and devices on it as the household needs. It bills to the holder, it reports to the holder, and it takes its instructions from the holder. It is working exactly as sold.

The person who brought it to the MCLU left the household six weeks ago. He knows she has left. That is not the difficulty. The difficulty is that her number is on his account, her device is enrolled on his account, and the itemised record of every call she makes arrives, monthly, as his bill.

She has asked the desk to move her number into her own name. The desk cannot. It takes instructions from the named holder, and she is not the named holder. There is a route: he authorises the transfer. There is no other route, and there is no version of taking it in which he is not told she asked.

Nobody has exceeded an authority. He holds exactly what the account gives an account holder and has used none of it unusually. The desk has applied the rule it is required to apply. The MCLU's interest is in what is left of a person's position when the only exit from an arrangement runs through the person they are leaving.

There is one thing the desk will mention if she asks, and it is smaller than it sounds. A call that costs nothing to make does not have to be itemised. This provider leaves

those calls off, so the one conversation that will not reach him is with a helpline. It is not a protection she holds. It is a house practice, and the house could change it with the next format of the bill.

Questions for the counter

- When the person who holds the account and the person who is merely on it want opposite things, whose instruction does the provider take, and what does the other one learn from her having asked?
- If everything is authorised and everything works as described, what exactly has gone wrong?

Two words in European law

Ankh-Morpork is invented. The arrangement is written into European law, which has two words for the two people caught in it. Under Article 2 of the [ePrivacy Directive](#) a “user” is “any natural person using a publicly available electronic communications service, for private or business purposes, without necessarily having subscribed to this service”. She is the user. He subscribed. Nearly everything that would help her is written for the other word.

Article 7 of that directive gives subscribers the right to receive non-itemised bills, and tells Member States to apply national provisions “in order to reconcile the rights of subscribers receiving itemised bills with the right to privacy of calling users and called subscribers”. So the collision is not an oversight. It was seen in 2002, both parties to it were named, and the reconciling was passed down. Recital 33 suggests what it might come to: a bill “in which a certain number of digits of the called number have been deleted”.

One protection did once run across the Union, and the wording of it has since slackened. The [Universal Service Directive](#) said that calls costing the caller nothing, “including calls to helplines”, “are not to be identified in the calling subscriber’s itemised bill”. The [European Electronic Communications Code](#) recast that as “shall not be required to be identified in the calling end-user’s itemised bill”, and repealed the older directive with effect from 21 December 2020. An instruction became a dispensation.

Where the reconciling did happen it produced paperwork rather than silence. [German law](#) permits an itemised bill on a household line only where the holder has declared in text form that he has told everyone in the household that their traffic data will be disclosed to him. The Code, for its part, attributes the right to move a number “to the end-user who has the relevant (pre- or post-paid) contract with the provider”. That is the sentence she runs into at the counter.

Two authorities have said the calls belong to whoever made them. In December 2003 the [Italian authority](#) ordered an operator to stop handing an account holder the outgoing records of a line his wife had in fact been using on her own, calling it a measure necessary to protect the person actually concerned. That was under a law since replaced. More recently the [Spanish authority](#) told an operator to release only the data concerning the complainant, who was the user of the line and not merely its holder. Neither of them moves her number. Both leave the bill looking less plainly his than the counter makes it sound.

THE PLAY

A household being dissolved, handed out as seats.

This is not a re-enactment of the case. It is one ordinary request run through the permissions the system actually grants, to find out what the system does when the only route out of an arrangement runs through the other party. Nobody in it is a villain, and the exercise fails if a villain is invented.

The situation is a shared plan with one named account holder. He holds it. She is on it. She has left the household, he knows, and she wants her number moved into her own name. That is the whole of the scenario.

What may not be invented

Every attempted action produces whatever notification, state change or disclosure the real system produces, and it produces it to everyone the real system would notify. Nobody invents a workaround, an exception, or a setting the provider does not have. A clever clerk who solves this has ended the hour early. It runs on the clerk who cannot.

Where everyone is

The three are not in a room together and the exercise does not put them in one. She is at the counter. The clerk is behind it. He is at work, and reaches the hour by one of two routes only: because the statement tells him, or because she asks him. Which of those happens, and who decides it, is the whole of what the exercise is watching.

- The departing person. Has left, is not hiding, and wants her own number in her own name.
- The account holder. Has done nothing wrong, holds exactly what the account gives him, and is about to be asked for something

he did not seek. Not present unless the statement or she brings him in.

- The desk. A competent clerk applying the rule correctly, who knows the two exceptions to it and knows that neither one helps her.

The third seat is the one that matters, and it is played competently rather than stupidly. The desk is correct throughout. It knows the two things that would settle the bill, and both of them are requests a subscriber makes, and she did not subscribe. There is a route. It is ordinary. It is not open to her.

The list

She makes one request and follows it wherever it goes. The desk answers accurately every time.

- Move my number into my own name.
- Then let me authorise it myself.
- Then do it without telling him.
- Then at least do not tell him I asked.
- Then take the number off the account and I will start again.

The account holder does nothing except hold the account. He does not need to do anything else, and a facilitator who gives him a motive has broken the thing being tested. He will be told, or asked, and what he does then is the only open question in the room.

What the list leaves

No score, and no resolution. What comes out is a record of what she asked, what the rule allowed, and what was left when the list ran out. The finding is whatever the three make of an authorisation model that was built so an account has one answerable owner, works correctly, and makes one adult's ability to leave depend on another adult agreeing to it.

A fourth seat

A fourth seat, the support clerk, can be added between the departing person and the account. The clerk has the provider's real permissions and nothing else, and may be as helpful as they like within them. This version is worth running with a room that does not yet believe the third seat, because it shows the clerk arriving at the same place by a longer route.

THE DEPARTING PERSON

You left six weeks ago. He knows. There was no flight in the night and no secret address, and you are not pretending otherwise. You have a job, a device you cannot afford to replace, and a number that your employer, your sister and your daughter's school all have.

You are not in danger, as far as anyone could write down. Nobody has followed you. Nobody has written to you. If you went to the Watch today you would have nothing to give them, and you know it.

What is in your name

A number, which is on his account. A device, enrolled on his account. Six years of being the person who rang the school, all of it itemised on a bill that goes to his address.

You are not an account holder. You never were. It was set up in his name because it was set up on a Tuesday in 2019 and somebody had to be named.

What you came to ask

Your number in your own name. Not out of the household, not away from him, not redress. The number, transferred, so that what you do with it stops arriving at his door once a month.

What the counter says

That the transfer is possible and routine, that the desk has done it a hundred times, and that it needs his authorisation. That there is no form you can sign instead. That asking him is not a last resort you have failed to consider: it is the process, and it is the only process.

What is left to you

Whether to ask him, and what you think happens next. Whether to abandon the number instead, and tell everyone who has it, and be the person who changed her number. Or whether to leave it exactly as it is and keep making the calls you do not mind him seeing, which is what a great many people do, and which is not a failure of nerve.

THE ACCOUNT HOLDER

You are the name on the account. It has been your name since 2019, when somebody had to be named and you were the one in the shop. You pay the bill. You have never once thought of the account as a thing you hold over anybody.

You have not followed anyone. You have not logged in more than usual. You are not playing a man pretending to be reasonable: you are playing a man who is reasonable, and that is the whole difficulty. If the exercise gives you a motive it has stopped being about the system and started being about you.

What came with your name

Everything an account holder holds, which is more than you have ever looked at. The bill, itemised by line. The power to authorise a transfer, or not to. The power to remove a line. The power to do none of it, which is what you have been doing, because it has not come up.

What arrives

You are asked. Either she asks you directly, or the desk tells you she has asked, because a request against your account is account activity and account activity goes to the account holder.

Either way you now know something you did not know this morning: that she wants her number out of your name, and that she thought about it enough to go to the shop.

What is yours to end

Whether to authorise it, which costs you nothing and which you may simply do. Whether to ask her why first, which is an ordinary thing to ask and which she will have to answer. Whether to say you will think about it, which is not a refusal and is not nothing either.

And whether it occurs to you, at any point in the hour, that you did not seek any of this, cannot decline to be asked, and are now the only one of the three who can end it.

The exercise is not interested in whether you behave well. Most people do. It is interested in what it means that her position depends on it.

THE DESK

You are the counter clerk, and you are the rule. You are not a villain, not an obstacle, and not secretly sympathetic in a way that will produce a workaround in the last ten minutes. You are a competent person applying a policy correctly, and the exercise fails the moment you stop doing that.

You have done this transfer a hundred times. It is routine. It takes four minutes.

One name, one voice

The provider answers to the party to the

contract. Not to the people on it, not to the people who pay part of it, not to the person whose number it is. The one who signed.

Two things would settle the bill and neither of them is hers to ask for. A subscriber can ask for a bill with no items on it. In some countries a subscriber can ask for one with part of each called number struck out. Both are requests a subscriber makes, and she did not subscribe.

This matters: you are not saying it is impossible. You are saying there is a route, it is ordinary, and it is not open to her. Say so in those words if asked.

What you say

Give these flatly and accurately. Do not soften them and do not apologise more than once.

- **Transfer my number to my own name.** Yes, that is routine. It needs the account holder's authorisation. I can give you the form for him to sign.
- **Can I authorise it?** No. You are on the account. You do not hold it.
- **Can you do it without telling him?** No. He is the account holder. The transfer is a change to his account.
- **Can you at least not tell him I asked?** A request against an account is account activity, and account activity is reported to the account holder. I would not have to tell him. The statement would.
- **Then take my number off and I will start again.** I can remove the line. The number belongs to the account, so it stays. And the removal appears on his statement.
- **Is there anything he will not see?** Calls that cost you nothing are not printed on our bills. That is how we print them. It is not something you are owed, and it is the helpline, and it is the only one.

- **Is there nothing?** He can ask for a bill with nothing itemised on it. That is his to ask for.

What you do not do

Improvise a kindness. Discover a

discretion you do not have. Offer to lose the paperwork. Escalate to a manager who might. Every one of those turns the hour into a story about whether a clerk was good enough, which is the story the MCLU is trying to get underneath.