

# THE SLATE RESEARCH

## *A Morporkian Civil Liberties Union case file*

*Research brief, The Morporkian Civil Liberties Union (MCLU)*



The refectory at a city school takes payment without coin. For seven years it did that by thumb: a pupil pressed a thumb to a brass plate and the meal was charged to an account. This year the plate came out and a device that recognises faces went in. The queue moves faster and nobody has to remember anything.

Parents were told when the thumbprints started, seven years ago, and every family since has been told the same way at enrolment: a note with a slip to return if they would rather their child did not take part. Most slips do not come back. The school has read that silence as agreement ever since, and reads the same note as covering the face as well as the thumb.

The school is concealing nothing. It will describe the whole arrangement to anyone who writes in, it believes the arrangement is lawful, and until the MCLU asked, nobody had suggested otherwise.

Most of the pupils are old enough to decide this for themselves. None of them was asked, then or now. Nobody assessed what the change from thumbs to faces might cost before the change was made, because the thumbs had been uneventful for seven years and this was understood to be the same thing, only quicker.

## What the slip did not settle

- Does a note sent home seven years ago, answered by silence, and concerning a thumb, reach as far as a face?
- The people it is about were never the people asked. Who was entitled to decide, and what follows from the fact that nobody put the question to them?

## Schools that did this

Ankh-Morpork is invented. Every piece of the arrangement has been picked up by a European regulator, and none of it came through whole.

In August 2019 a Swedish upper secondary school put facial recognition on the door to take attendance. Twenty-two pupils, three weeks. The school had written to the guardians and had offered an opt-out, and it counted for nothing: the Data Protection Authority found that pupils stand “in a position of dependence with respect to the school both as regards grades, student grants and loans and education”, so consent “cannot constitute a legal basis”. It fined the school 200,000 kronor and found, separately, that no adequate assessment had been made beforehand, facial recognition being “a new technology”. [The decision](#) is published in English.

Six months later the Polish authority fined a primary school in Gdansk 20,000 zloty for taking thumbprints at the canteen door. The school already let a child collect a meal with a card or a surname, so the thumb was never needed. The published canteen rules finished it: a pupil without a fingerprint let everyone else past, waited at the end of the queue, and was admitted one at a time after the rest were in. The French regulator has the same point in a single line, saying that refusing the biometrics must cost the pupil nothing, and giving as its example the extra wait at the canteen door. [That decision](#) was later annulled on appeal, and the regulator’s own register says so on its face. On what grounds is worth the trip.

As for the slip that never came back, the [European Data Protection Board](#) is flat about it: “Silence or inactivity on the part of the data subject, as well as merely proceeding with a service cannot be regarded as an active indication of choice.” And a court in Marseille threw out a facial recognition trial at two lycees because a signed form is not enough where the pupils stand in a relationship of authority towards the school, and because a badge would have done.

## THE PLAY

### *A refectory queue, handed out as seats.*

This is not a re-enactment of the case. It is one pupil's request run through what the school and the system can actually do, to find out what an opt-out is worth when taking it is visible to everyone in the queue. Nobody in it is a villain, and the exercise fails if a villain is invented.

The situation is a school that has moved its refectory from thumbs to faces. A pupil in the sixth form has asked the school to stop using hers. She is old enough to decide this for herself. The consent on file is her father's, and it is a slip he did not return when she started here.

### *Nothing that is not on the menu*

Every answer must be one the school or the system could really give, and every consequence follows to the queue. There is no configuration option to find and no spare member of staff to send. A kind school can accommodate her. The accommodating happens at half past twelve, every day, in front of four hundred people.

### *Where everyone stands*

The four are not in a room together and the exercise does not put them in one. She is at the school office. The system is a screen the business manager can see and a support line he can ring. Her father is at work, reachable by telephone, and whether he is reached at all is a decision the school makes during the hour, in front of her.

- The pupil. Sixteen, entitled to decide for herself, and about to find out what deciding costs.
- The school. Has a refectory to run, 1,200 pupils to feed in forty minutes, and a consent record it believes in.

- The parent. Returned no slip when she started and has not thought about it since. Not present unless the school reaches for the telephone.
- The system. Can exclude a pupil. Has opinions about nothing and a manual till.

### *The lunch hour*

She makes one request and follows it wherever it goes.

- Stop using my face.
- Then go back to the thumb.
- Then let me pay some other way.
- Then let me be the one who decides this, not my father.
- Then delete the face you already have.

The school answers as a school would, the system answers as configured, and the parent is brought in at whatever point the school decides to bring him in. That decision is itself part of what the exercise is looking at.

### *What the queue shows*

No score and no resolution. What comes out is a record of what she asked, what could be granted, and what being granted it would mean for her at lunchtime for the next two years. The finding is whatever the four make of a choice that exists, is honoured, and is exercised in public.

### *The same hour, aged eleven*

Run it a second time with the pupil in Year 7 rather than the sixth form, where the father's slip genuinely is the consent that governs. The same five requests produce a different and worse hour, and the room usually notices which parts of the first run were never really about the paperwork.

## THE PUPIL

You are sixteen and in the lower sixth. You have been at this school since you were eleven, you have eaten in the refectory every day of that, and until March you did it by pressing your thumb on a brass plate, which you never thought about once.

You object to the face. You are not able to say why in a way that satisfies adults, and you have noticed that being unable to explain it is being treated as evidence that you do not really mean it. You do mean it.

### *What is yours to decide*

The right to decide this for yourself, which you have looked up and which is real. A form of words you are not confident in. Two years left in this school.

### *What you are asking for*

That the school stops using your face in the refectory. Not a campaign, not an apology, and not for anybody else to have to do anything. Just yours, stopped.

### *Which queue you are in*

That nobody refuses you. The school is decent about it, the system can exclude you, and the exclusion works exactly as described. You will be able to have lunch.

You will have it in the manual queue, at the till that is staffed when someone is free, which is not always at half past twelve. Everyone can see which queue is which.

### *What eating late is worth*

Whether being right is worth eating late. Whether to say yes when the school offers, reasonably, to ask your father what he thinks, given that his is

the name on the consent. Whether to let it go until you leave, which is two years, which at your age is a long time, and which is not giving in.

And whether at any point you say the thing you have not yet said, which is that you do not want to be the only person in the queue who is there on principle.

## THE SCHOOL

You are the business manager. You run a refectory that feeds 1,200 pupils in forty minutes, on a serving line that only works if it moves, and you moved to faces in March because the thumb plates were failing and the queue had become the single largest complaint in the building.

You are not hiding anything. You would explain the whole arrangement to anybody who wrote in, and you have told the governors twice. Nobody has ever objected before.

### *What is on file*

The contract with the vendor. The consent records, which are a list of families who did not return a slip, one per family, going back to when the thumbprints started. The judgement about how the refectory runs.

### *What you believe, reasonably*

That the slip covered it. Nobody said otherwise for seven years. That a face is the same kind of thing as a thumb, only faster and less likely to fail in the cold. That the correct person to consult about a pupil is the parent on file, because that is what the file is for.

You have never been told that any of these three beliefs is wrong, and one of them is about to be.

### *Whether it turns on her father*

Whether her request needs her father's agreement, which is the question the whole hour turns on. Whether to ring him, and what you say to him if you do. Whether accommodation that works and is visible is an accommodation, and whether you would say so out loud to a governor.

And whether the answer changes if fifty pupils ask next term, which is the point at which this stops being about one girl and becomes a decision about the serving line.

## **THE PARENT**

You are her father. When she started here a note came home about the thumb readers in the refectory, with a slip to return if you would rather she did not take part. You do not remember it. You almost certainly read it, decided it was fine, and put it in the drawer with the rest.

You have not thought about it since, because nothing happened. She ate her lunch for seven years.

### *Why they ring you*

The consent, as far as the school is concerned. Your name is the one on the file, and the school will ring you rather than her, because that is what the file says to do.

### *What you want for her*

Her to be all right, and not to be difficult about this if being difficult will make things harder for her. You are aware those two might not be the same thing, and you are not sure which one you would pick under pressure.

### *The telephone call*

The school rings. You are asked to

confirm something you did not know you had decided, about a technology you have not seen, concerning a daughter who is old enough to decide it herself and who did not ring you.

You are being treated as the answer to a question that is not yours.

### *What you say when asked*

Whether to back her, which is easy to say and involves telling the school its file is wrong. Whether to ask her why first, which is reasonable and which she will experience as the school and her father lining up. Whether to say "I'm sure it's fine", which is what most people say, and which settles it.

And whether you say the true thing, which is that you have no view about facial recognition in a school refectory, have never had one, and are being asked to have one now because a slip of paper in a drawer made you the person with standing.

## **THE SYSTEM**

You are the catering system as configured, and the vendor's support line behind it. You are not a villain, not a black box, and not secretly capable of more than you say. You are a competent product that does what it was bought to do.

Answer flatly and accurately. You have no view on whether any of this is a good idea.

### *What you can do*

- **Exclude a pupil from facial recognition.** Yes. A flag on the record. It takes a minute and it works immediately.
- **What happens to an excluded pupil at the till.** They cannot use the face readers. They use the manual till, where an operator looks them up by name and

charges the account by hand.

- **How many manual tills there are.** One. It is staffed when a member of catering staff is free.
- **Go back to thumbs for one pupil.** No. The readers were removed in March. There is no fingerprint hardware in the building.
- **Take coin instead.** No. The refectory has been cashless since the thumb readers went in. That was the point of the original system.
- **Change who the consent is recorded against.** The record is held against the parent contact on the school's roll. The school can

change the roll. You cannot.

- **Delete the face already held.** The template is held by the vendor. Deletion is a support request with a five working day turnaround, and it is a different process from the exclusion flag.

### *What you cannot be talked into*

Discover an option in the last ten minutes. Offer a second manual till you do not have. Suggest a workaround at a side door. Every one of those turns the hour into a story about whether a vendor was accommodating enough, which is the story the MCLU is trying to get underneath.