



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1722/5/7/25

BETWEEN:

PERSE TECHNOLOGY LIMITED

Applicant

- v -

ELECTRALINK LIMITED

Respondent

ORDER

PENAL NOTICE

IF YOU ELECTRALINK LIMITED DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE FINED OR HAVE YOUR ASSETS SEIZED.

IF ELECTRALINK LIMITED DISOBEYS THIS ORDER, ANY DIRECTOR OR OFFICER THEREOF MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR/THEIR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DISOBEYS THIS ORDER OR DOES ANYTHING WHICH HELPS OR PERMITS ANY PERSON TO WHOM THIS ORDER APPLIES TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

UPON the Applicant and the Respondent entering into a Data Services Framework Agreement (the “**Bilateral Agreement**”) dated 6 March 2024 by which the Respondent agreed to supply data in the form of the Orders in Appendix A of Schedule 1 of Annexes 1 – 4 of the Bilateral Agreement (the “**Data**”) at the prices set out in Schedule 2 of Annexes 1 – 4 of the Bilateral Agreement (the “**Prices**”)

AND UPON reading the Applicant’s application for interim relief (the “**Injunction Application**”)

AND UPON the “**First Permitted Purpose**” being for the Applicant to provide a service directly to a legal or natural electricity consumer, without sharing the Data or derivatives thereof with any person or entity other than the electricity consumer (via a software platform of the electricity consumer’s choice for the purposes of receipt of the Data or derivatives thereof, and only in circumstances where the Applicant has a direct relationship with the electricity consumer) or a supplier of electricity or demand flexibility services (a “**Supplier**”).

AND UPON the “**Second Permitted Purpose**” being for the Applicant to provide a service to the legal owner or leaseholder of premises (a “**Landlord**”), without sharing the data or derivatives thereof with any person other than the Landlord (via a software platform of their choice) or a Supplier.

AND UPON reading the supporting evidence filed with the Injunction Application

AND UPON reading the parties’ written submissions ahead of an application hearing

AND UPON hearing counsel for the Applicant and counsel for the Respondent at hearings on 6 May 2025 and 14 May 2025

AND UPON reading the supplemental submissions of the parties on 20 May 2025 in respect of the Second Permitted Purpose

AND UPON accepting the Applicant’s undertaking that it will comply with any order for compensation which the Tribunal might make in the event that the Tribunal later finds that either the order made by the Tribunal on 21 May 2025 in respect of the First Permitted Purpose (the “**First Order**”), or this order in respect of the Second Permitted Purpose, has caused loss to the Respondent and the Tribunal finds that the Respondent ought to be compensated for that loss

AND UPON the Tribunal making the First Order on 21 May 2025

AND UPON the Tribunal writing to the parties on 23 May 2025 requesting final observations on discrete issues regarding the Second Permitted Purpose

AND UPON reading the Applicant’s final observations submitted on 27 May 2025 and the Respondent’s final observations submitted on 28 May 2025 regarding the Second Permitted Purpose

AND UPON the Tribunal writing to the parties on 6 June 2025 stating its decision to make an order requiring the Respondent to supply the Applicant with aggregated data only, in line with paragraph 67 of the Respondent’s supplemental submissions dated 20 May 2025 (subject to

any final changes agreed by the parties) (the “**Aggregated Data**”) for the Second Permitted Purpose on the terms set out in the Tribunal’s letter

AND UPON accepting the Applicant’s undertaking that the Aggregated Data will only be requested from the Respondent and used for the purposes of supplying a service directly to a Landlord

AND UPON reading the recent correspondence from the parties’ solicitors

AND HAVING REGARD TO the Tribunal’s powers under Rule 53 (case management) and Rule 68 (interim injunctions) of the Competition Appeal Tribunal Rules 2015 (S.I. 2015/1648)

IT IS ORDERED THAT:

INTERIM INJUNCTION

1. The Respondent must supply the Applicant with the Aggregated Data for the Second Permitted Purpose on the following terms:
 - a. On condition that the Applicant forthwith submits to the Respondent a completed Due Diligence Questionnaire (“**DDQ**”) (in the form as sent to the Tribunal by Macfarlanes on 27 May 2025), the Respondent must supply the Applicant with the Aggregated Data within 28 days of the date of this Order or by 10 July 2025, whichever is earlier.
 - b. The Respondent must use all reasonable endeavours to obtain approval by the DTS User Group of the corresponding DPIA, which the Respondent prepares based on the DDQ, to ensure supply within the time limit set out in sub-paragraph (a) above.
2. Save as set out in paragraph 1 above, the Injunction Application in respect of the Second Permitted Purpose be dismissed.
3. The Respondent shall have liberty to apply, before expiry of the time limit specified in paragraph 1(a) above, to extend that time limit, but only on the grounds that approval by the DTS User Group has not been, or will not be, forthcoming in due time. Any such application made by the Respondent under this paragraph shall include evidence that the Respondent has complied with its obligations under paragraph 1(b) above.

4. The Applicant shall have liberty to apply to the Tribunal for the purpose only of resolving any outstanding issues as to the terms of the supply of the Aggregated Data if the Respondent has not commenced supply of the Aggregated Data within the time limit specified in paragraph 1(a) above, or as extended pursuant to paragraph 3 above.

The Honourable Mr Justice Morris
Chair of the Competition Appeal Tribunal

Made: 13 June 2025
Drawn: 13 June 2025