Neutral citation [2026] CAT 19

IN THE COMPETITION APPEAL TRIBUNAL

Case No: 1433/7/7/22

Salisbury Square House
8 Salisbury Square
London EC4Y 8AP

6 March 2026

Before:

HODGE MALEK KC
(Chair)

Sitting as a Tribunal in England and Wales

BETWEEN:

DR LIZA LOVDAHL GORMSEN

Class Representative

- and -

META PLATFORMS, INC.
META PLATFORMS IRELAND LIMITED
FACEBOOK UK LIMITED

Defendants

Heard remotely on 6 March 2026

RULING (RFI)

APPEARANCES

Ms Sarah O'Keeffe (instructed by Quinn Emanuel Urquhart & Sullivan UK LLP) appeared on behalf of the Class Representative.

Mr Tony Singla KC and Mr James White (instructed by Herbert Smith Freehills Kramer LLP) appeared on behalf of the Defendants.

A. INTRODUCTION

1. On 16 January 2026, the Defendants (**Meta**) served a request for further information (**RFI**) on the Class Representative (**CR**). In overview, the RFI sought clarification regarding certain aspects of the CR's pleaded case in relation to: (i) the meaning and scope of the CR's pleaded term "**Off-Facebook Data**", and the role of Off-Facebook Data as part of the CR's pleaded and methodological theory of harm (the **Off-Facebook Data Request**); and (ii) the alleged relevance (if any) of Meta's compliance with the UK's General Data Protection Regulation (**GDPR**) to the alleged abuse of dominance in this case (the **GDPR Request**).

2. On 30 January 2026, following correspondence between the parties, Meta filed an application for an order that the CR provides a substantive response to the RFI (the **RFI Application**). This is the Tribunal's ruling in relation to the RFI Application.

B. BACKGROUND

3. The proceedings concern a claim by the CR against Meta on behalf of a class of an estimated 46.6 million UK users of the Facebook social media platform (the **Users**) who accessed the Facebook platform (**Facebook**) whilst in the UK at least once between 14 February 2016 and 6 October 2023, inclusive. The CR alleges that Meta have abused the dominant position of Facebook by imposing an unfair bargain on certain Users pursuant to which the Users were required, as a condition of access to Facebook, to allow Meta to collect and use their data, including sensitive data, concerning their activities on: (i) Meta products and services other than Facebook (e.g. Instagram); and (ii) third party websites and apps (Off-Facebook Data), without receiving a corresponding value transfer in return.

4. The CR contends that the abuse can be considered in two related ways that in practice amount to the same thing: that Meta imposed unfair terms and conditions; and that Meta imposed an unfair price. The CR refers to this as the "unfair bargain Meta made with Users".

5. Following the Court of Appeal's refusal of permission to appeal *Gormsen CPO 2* (see [2024] EWCA Civ 1322), the parties engaged in correspondence and agreed on certain issues, including that an issues-based approach to disclosure should be adopted.

6. The first case management conference (**CMC**) in these proceedings took place on 16 December 2024. The Defendants were directed to file a Disclosure Report and Electronic Documents Questionnaire pursuant to Rule 60(1)(b) and (c) of the Competition Appeal Rules 2015 (the **Tribunal Rules**).[1] Meta filed the Disclosure Report and Electronic Documents Questionnaire on 20 March 2025.

7. The second CMC in these proceedings took place on 4 April 2025, in which the Tribunal listed a trial to commence on 20 September 2027 with a time estimate of 10 weeks, to be concluded by 30 November 2027. Following the second CMC, the Tribunal directed a process for the parties to engage in producing a draft List of Issues for Disclosure which they should endeavour to agree. The CR was required to identify any disputes in relation to the draft List of Issues for Disclosure and the parties were permitted to file short written submissions on the areas in dispute for determination by the Tribunal: see paragraphs 7-10 of the Tribunal's Order dated 8 May 2025.

8. A further CMC took place on 15 and 16 July 2025 to consider outstanding issues between the parties in relation to the List of Issues for Disclosure. The Tribunal issued its ruling in relation to these matters on 21 July 2025: [2025] CAT 40 (the ***July 2025 Disclosure Ruling***). Following the third CMC, the Tribunal gave directions in relation to disclosure and a process in relation to the CR's request for information: see the Tribunal's Order dated 29 July 2025, as subsequently amended.

9. A hearing took place on 29 September 2025 to consider the CR's application to amend her Amended Claim Form to introduce a new head of damage, namely user damages. On 30 September 2025, the Tribunal issued its ruling granting the CR's application: [2025] CAT 55 (the ***Amendment Ruling***). In accordance

[1] See paragraph 3 of the Tribunal's Order dated 10 January 2025.

with the Tribunal's Order dated 30 September 2025, the CR filed her Re-Amended Claim Form on 3 October 2025 (**RACF**), Meta filed its Amended Defence on 31 October 2025 (**Defence**), and the CR filed her Amended Reply on 7 November 2025 (**Reply**). Meta have applied to the Court of Appeal for permission to appeal the *Amendment Ruling*, following the Tribunal's Reasoned Order dated 23 October 2025 refusing permission to appeal the *Amendment Ruling*.

10. A further CMC took place on 24 and 26 November 2025 and 16 December 2025 to consider issues related to disclosure. On 16 December 2026, the Tribunal issued its ruling ([2025] CAT 85) (the ***December 2025 Disclosure Ruling***). A further CMC was provisionally listed to take place on 9 February 2026 but following submissions by the parties this was rescheduled and listed to take place on 6 March 2026, to consider any further disclosure issues, including matters related to the *December 2025 Disclosure Ruling*.

11. On 30 January 2026, Meta filed the RFI Application, to which the CR responded on 16 February 2026. On 25 February 2026, Meta filed a reply to the CR's response (the **Reply**).

12. The parties sought to narrow the disputes in relation to the RFI in advance of the CMC. The outstanding issues in relation to the RFI Application can be summarised as follows:

    (1) Whether the CR should be required to answer the Off-Facebook Data Request; and if so, by when. If the Tribunal does require the CR to provide an answer, she would propose to do so by 2 April 2026, rather than Meta's proposal of 13 March 2026.

    (2) In relation to the GDPR Request: (i) whether the CR should be required to answer by 13 March 2026 (as proposed by Meta), or 2 April 2026 (as proposed by the CR); and (ii) whether the CR should have liberty to provide a response confirming or clarifying her position post-disclosure, on the same basis as the Off-Facebook Data Request.

13. In addition to the RFI Application, the CMC was listed to consider: (i) the finalisation of the Requests contained in the Redfern Schedule, further to the *December 2025 Disclosure Ruling*; (ii) the formulation of any disputed search terms to be applied by Meta to custodial documents prior to review; and (iii) an application by the CR for Meta to respond to the CR's RFI dated 28 January 2026 (the **CR RFI Application**). In addition, on 18 February 2026, Meta filed an application, supported by the first witness statement of John Corrie (**Corrie 1**), Meta's Designated Solicitor, to vary the longstop date for disclosure in these proceedings from 16 October 2026 to 10 February 2027.

14. On 4 February 2026, Meta filed a response to the CR RFI Application. On 13 February 2026, following consideration of Meta's response, the CR RFI Application was withdrawn.

15. On 10 February 2026, the CR's solicitors, Quinn Emanuel Urquhart & Sullivan UK LLP, confirmed that the parties do not require any determination in relation to search terms at the CMC. On 26 February 2026, Meta's solicitors confirmed that there was no longer any dispute as regards the Redfern Schedule.

16. The CR's solicitors informed the Tribunal by letter dated 25 February 2026 that the CR, reluctantly, will not oppose Meta's application to vary the longstop date. However, the CR raised concerns in relation to Meta's proposed approach to rolling disclosure as set out in Corrie 1, with most of the disclosure being provided "on or near the longstop date". The CR considered that Meta should develop a concrete proposal committing to proper rolling disclosure with more material provided earlier in the process. In addition, the CR considered that Meta should provide concrete proposals as to what it will do in relation to providing an update on the disclosure process, having regard to the fact there will be a considerable period for Meta to conduct a complex and multi-faceted disclosure exercise in light of the deferral of the longstop date.

C. LEGAL PRINCIPLES

17. The principles of disclosure applied by the Tribunal are set out in detail at [18]-[27] of the *December 2025 Disclosure Ruling*. As stated, the Tribunal has broad

case management powers pursuant to rule 53 of the Tribunal Rules and can require a party to provide information in relation to a matter in issue in the proceedings as well as information that may assist in the disclosure process, subject to the Tribunal's governing principles. In relation to the RFIs, the Tribunal will only order a response if is considers it to be proportionate and reasonably necessary. See also paragraph 5.87 of the Tribunal's Guide to Proceedings 2015 which states:

> "…The purpose of disclosure is to obtain documentary material that assists in determination of the issues raised by the pleadings and it is not to be used as a weapon in a war of attrition."

18. In the *July 2025 Disclosure Ruling*, the Tribunal stated that issues for disclosure are by reference to the parties' pleaded case and it is critical to establish whether or not: (i) the definition sought by the CR is within its pleadings; and (ii) the definition it seeks to apply is sufficiently clear and workable to enable Meta to carry out the disclosure exercise (see [28]-[35] of the *July 2025 Disclosure Ruling*).

19. On the RFI Application, the Tribunal is applying the following principles:

    (1) In general, the request must be relevant to the issues in the proceedings, and the starting point is the issues in the proceedings.

    (2) The Tribunal also has the power to order further information to be supplied as part of the case management of the proceedings, including for the purposes of disclosure and any disclosure exercise. For this reason, in the *December 2025 Disclosure Ruling*, the Tribunal gave Meta the liberty to make requests in relation to any lack of clarity in the CR's pleaded case which needed to be resolved for the purposes of the disclosure exercise: see [258].

    (3) Where a party is seeking further information in relation to a party's pleaded case, any request should be concise and reasonably necessary and proportionate to enable the requesting party to prepare its own case or to understand the case it is required to meet.

(4) Oppressive, prolix and irrelevant requests will be refused.

(5) Even if a request is relevant and a response is reasonably necessary and proportionate, the Tribunal may refuse or defer a request if it is concerned that the request is premature and it would be more appropriate to be dealt with at a later stage. Matthews and Malek, *Disclosure* (6th ed., 2024), paragraph 20-26 states so far as is relevant to this RFI Application (although the following relates to CPR Part 18, the same principles apply in the Tribunal):

> "CPR Pt 18 does not specify when an application for an order should be made. Generally the Case Management Conference (CMC), where there is one, is a convenient time. When an application should be made will of course depend on all the circumstances and the court's powers are subject to the overriding objective in CPR Pt 1. Where an application is made in relation to a statement of case and it is necessary for a question to be answered for the opposing party to understand the case he has to meet, the application may follow relatively soon after the statement of case has been served and a preliminary Request has been made and not answered or not answered satisfactorily. The request for further information of the Particulars of Claim should, if possible, be formulated prior to the CMC, so it can be considered on that occasion. Where further information is sought of a matter not contained within a statement of case, consideration should be given as to whether it is more appropriate to wait until after disclosure of documents or exchange of witness statements. There can be no hard and fast rule as to whether an application should be made before or after disclosure of documents or exchange of witness statements, as sometimes a response may narrow the issues between the parties and hence narrow the issues for which disclosure or witness statements are necessary. It would only rarely be appropriate to make an application prior to the service of the defence, as until then it is not normally known what matters are in dispute. Similarly, it will rarely be appropriate to make an application against a claimant prior to the service of the defence, making an application prior to the defence may only delay the claimant in proceeding with his claim."
>
> (footnotes omitted)

20. In *National Grid Electricity v ABB Ltd* [2012] EWHC 869 (Ch) Roth J considered that answering questions raised in an RFI would be relevant, but it would be more appropriate for an answer to be given at the end of the disclosure process. In the *July 2025 Disclosure Ruling*, the Tribunal held that it was appropriate to order Meta to provide an answer to the RFI at the Defence at that stage, as it would assist the disclosure exercise: see [41]-[48].

D. THE OFF-FACEBOOK DATA REQUEST

21. The Off-Facebook Data Request provides as follows:

> "**Request 1: the definition and role of "*Off-Facebook Data*" as part of the CR's case**
>
> (1) Please particularise all of the types of data that are alleged by the CR to fall within the scope of the pleaded defined term "Off-Facebook Data" and the basis for those allegations.
>
> (2) In respect of each type of data identified in answer to Request 1(1) above, please explain the basis on which those data are alleged to be relevant to the CR's pleaded case of an alleged abuse of dominance and alleged resultant harm to class members. When answering this question, regard must be had to the matters set out in Section B above (and to the matters in the Annex to Meta's RFI), which illustrate the CR's allegations that "*Off-Facebook Data*" and the alleged theory of harm are concerned with "*detailed User data*" on a user's "*activities*" off the Facebook platform, that the user must "*give up*" as a condition for accessing the Facebook service, from which Meta materially increased its profits on the advertising-side of the market. For example, see RACF, S.5, §§7, 61 150, 152(b)(i), 153(b).
>
> (3) Without prejudice to the generality of Request 1(1) and Request 1(2):
>
> a. In relation to information concerning the device(s) on which UK Facebook users access and use Facebook (which has been asserted by the CR to fall within her definition of "*Off-Facebook Data*", e.g., in the CR's skeleton argument for the case management conference that took place on 15 and 16 July 2025 ("**CMC3**") dated 10 July 2025 ("**CR's CMC3 Skeleton Argument**"), at §14(a)), please explain:
>
> i. the basis on which such information is alleged to constitute data on UK Facebook users' "*activities*" off the Facebook platform;
>
> ii. the basis on which UK Facebook users are alleged to "*give up*" such information as a term and condition and/or as a "*price*" for using the Facebook service; and
>
> iii. how such data is said to be relevant to Meta's alleged exploitation of market power by shifting the so-called "*bargain*" from a "*bargain*" that is not unfair for competition law purposes to a "*bargain*" that is unfair for competition law purposes.
>
> b. In relation to data that Meta allegedly purchases from third parties (which has been asserted by the CR to fall within her definition of "*Off-Facebook Data*", e.g., in the CR's CMC3 Skeleton Argument, at §15), please explain:
>
> i. the basis on which such data is alleged to constitute data that UK Facebook users "*give up*" as a term and condition and/or as a "*price*" for using the Facebook service;

ii. the basis on which such data is alleged to be used by Meta to "*track*" UK Facebook users off Facebook; and

iii. how such data is said to be relevant to Meta's alleged exploitation of market power by shifting the so-called "*bargain*" from a "*bargain*" that is not unfair for competition law purposes to a "*bargain*" that is unfair for competition law purposes."

22. Meta stated that this Request is relevant to the CR's pleaded case in relation to the definition of Off-Facebook Data and the role of Off-Facebook Data in the CR's alleged theory of harm: paragraphs S.5, S.7, 7, 38, 51, 61, 95, 95(h), 96, 150, 152, 152(b)(i), 153(b) and 173 of the RACF.

(a) The parties' submissions

23. Meta contended that the CR had not clearly pleaded, or otherwise explained through her methodology, the totality of the data that are alleged to fall within the scope of the term Off-Facebook Data, the basis on which those types of data are alleged to fall within the scope of the term Off-Facebook Data, and the basis on which all such types of data are alleged to be relevant to the CR's pleaded and methodological theory of harm in this case. Meta argued that the CR can and should provide a substantive answer to the Off-Facebook Data Request now by best particularising her positions in respect of: (i) the types of data that are alleged to fall within the CR's defined term Off-Facebook Data; and (ii) how and why those types of data are alleged to be relevant to the CR's alleged theory of harm.

24. Meta stated that it is essential for the CR to specify her position on these matters without delay, and before the end of the disclosure process, in order for Meta to understand the case that it is required to meet and to prepare its defence on an informed and efficient basis. In the absence of a substantive response, Meta would need to prepare its case with only partial visibility of critical aspects of the CR's case, either by:

(1) guessing at the types of data that are alleged to fall within Off-Facebook Data and how and why those data might ultimately be said to be relevant to the alleged theory of harm, and to advance preparations of witness and expert evidence on the basis of those guesses; or

(2) to defer substantial parts of its preparations of witness and expert evidence until the CR sets out her position at some unknown stage in the future.

25. Meta recognised that the CR's final position in respect of the types of data that she alleges to fall within Off-Facebook Data may not be capable of being confirmed until after the disclosure longstop date. For this reason, Meta agreed to incorporate liberty for the CR to provide a further response to confirm or clarify her position post-disclosure. This does not mean that the CR should not be required to particularise her case to the best of her ability now. By committing her present position to a formal RFI response Meta will gain a clearer and more reliable understanding of the CR's case, enabling Meta to efficiently prepare to meet the specific case that the CR intends to advance.

26. The CR objected to responding to the Off-Facebook Data Request prior to the completion of the disclosure process. The reasons for the CR's objection were, in summary:

(1) The CR's pleaded case provides the best particulars in respect of Off-Facebook Data that is possible at this stage, pending disclosure.

(2) In the context of the List of Issues for Disclosure, the Tribunal already determined that the CR's pleaded definition of Off-Facebook Data, as pleaded in the RACF, is both "clear and workable": see *July 2025 Disclosure Ruling* at [32]-[35].

(3) The Tribunal has directed Meta to provide disclosure in respect of the CR's definition of Off-Facebook Data, precisely in order to enable her better to understand Meta's data collection practices. It is premature to ask the CR to identify particular categories of Off-Facebook Data that she says are relevant to her alleged abuse (and how), when she has yet to be told by Meta what categories of Off-Facebook Data they even collect.

(4) In relation to Request 1(3), insofar as it is particularly concerned with "Purchased Data" and "Device Data", the CR is not in a position to provide further particulars, at least until she has had the opportunity to consider the disclosure to be provided in respect of it. Insofar as Purchased Data or Device Data fall within the definition of Off-Facebook Data, the CR's position was that those data are relevant to her pleaded theory of harm in the same way as all other Off-Facebook Data.

(5) Meta has itself previously adopted the position that any remaining issues related to Meta's collection and use of Off-Facebook Data are to be clarified in the usual way, through post-disclosure amendments by reference to the material produced.

(6) There is no urgency in relation to the Off-Facebook Data Request. It does not impact Meta's disclosure exercise or the disclosure that is to be provided. There is no good reason to order an exercise of this nature now, when sub-categorisation of Off-Facebook Data (and indeed, an assessment of whether or how such sub-categorisation could usefully be done) is an exercise that is far better conducted after disclosure, if at all, and alongside any pleading amendments that may become appropriate in light of disclosure.

27. In response to the matters raised by Meta in its reply, the CR disagrees that it is "essential" that she identify "types of data" that fall within the definition of Off-Facebook Data and/or how each type is said to be relevant. It is not clear why Meta thinks it would be useful for the CR to carry out such an exercise as the information is within Meta's knowledge, rather than the CR's, and such distinctions form no part of the CR's case. The only reason that different categories of data have even been canvassed between the parties is because Meta sought to impose its own potentially narrower preferred definition of Third Party Activity Data in preference to the definition adopted in the CR's own pleaded case.

28. Contrary to the suggestion at paragraph 10(d) of Meta's Reply, the CR referred to paragraphs 53(viii), 63, 66(b), 82(a), 94 and 95(o) of the RACF as identifying

examples of which the CR is presently aware, by which she understands Meta to have collected data about Users' devices (along with other data) from Off-Facebook sources; and to have used that data (in combination with other data) in its personalised advertising products. The CR submitted that Device Data may either be on-Facebook Data or Off-Facebook Data; and presumably may also be Purchased Data or overlap with other categories. The CR is not in a position to speculate as to the nature of any overlap, Meta would be in better position to consider such matters.

29. The CR considered that would neither be reasonably necessary or proportionate to parse out distinctions not relevant to the CRs case and there is no need to provide the breakdown sought by Meta. On the contrary, it is more likely to introduce confusion and potential satellite disputes about whether data falls within one (or more) possible sub-categories of data. A more straightforward test would be: is it Off-Facebook data or not? It is not in the interests of justice, efficiency or proportionality to generate 'busy work' that is irrelevant to the CR's theory of harm; particularly where any inaccuracies introduced from speculating about sub-categories of Off-Facebook Data, without sight of the relevant disclosure, is liable to be seized upon by a sophisticated defendant seeking to exclude as much from her pleaded abuse as possible.

(b) Analysis

30. Request 1 of the RFI Application centres around the definition of Off-Facebook Data and the extent to which it falls within the claim and the CR's theory of harm. The parts of the RACF which are particularly pertinent in relation to the Off-Facebook Data Request are paragraphs 7, 63 and 64:

> "7. The Claims are based on the contention that Facebook abused its dominant position in the Personal Social Network Market, in breach of the Chapter II prohibition and/or Article 102 TFEU. During the Claim Period, Facebook imposed on its UK users ("Users") various requirements that involved extraction of data concerning the activities of Facebook.com Users (including highly sensitive personal data) offFacebook.com, notably User data from activity on: (i) Meta products and services other than Facebook.com (e.g., Instagram); and (ii) third party websites and apps ("Off-Facebook Data"). These data were then combined with the data that Facebook collects on-platform concerning Users (see further paras 83-86 below) and monetised by Facebook without a corresponding value transfer to Users to obtain multi-

billion revenues on the advertising side of the market, by permitting advertisers to target adverts at Users based on these data.

[…]

63. In its current Privacy Policy, Meta describes the information that it collects from third parties in the following terms:

> "We collect and receive information from partners, measurement vendors, marketing vendors and other third parties about a variety of your information and activities on and off our Products.
>
> Here are some examples of information that we receive about you:
>
> • Your device information
>
> • Websites that you visit and cookie data, such as through Social plugins or the Meta pixel
>
> • Apps you use
>
> • Games you play
>
> • Purchases and transactions you make off of our Products using non-Meta checkout experiences
>
> • The ads you see and how you interact with them
>
> • How you use our partners' products and services, online or in person
>
> Partners also share information such as your email address, cookies and advertising device ID with us. This helps us match your activities with your account, if you have one.
>
> We receive this information whether or not you're logged in or have an account on our Products…
>
> Partners also share with us their communications with you if they instruct us to provide services to their business, such as helping them manage their communications…
>
> …
>
> Partners use our business tools, integrations and Meta Audience Network technologies to share information with us.
>
> These partners collect your information when you visit their site or app or use their services, or through other businesses or organisations they work with. We require partners to have the right to collect, use and share your information before giving it to us.
>
> We process certain information that we receive from partners as a joint controller with them…"

64. Pending disclosure and evidence, the PCR is not in a position to provide full particulars of the full extent of the Off-Facebook Data that Facebook has collected from its Users at all periods throughout the Claim Period. As detailed in this section, there is a considerable asymmetry of information between the PCR and Facebook, since Facebook has not been clear or consistent in describing the full extent of its data-gathering practices and, moreover, those

> practices have altered over time. Indeed, as set out at para 50 above, Facebook has at times misled Users as to the true position as respects data collection. Accordingly, the PCR reserves the right to amend further this Amended Claim Form, particularly in the light of disclosure provided by the Defendants, including disclosure made for these purposes to courts and/or competition or regulatory authorities considering analogous matters."
>
> (footnotes omitted)

31. At the CMC on 15-16 July 2025, the Tribunal was satisfied that the definition of Off-Facebook Data fell within the pleadings and was clear and workable and should be adopted: *July 2025 Disclosure Ruling* at [28]-[35]. However, that is not conclusive for the purposes of the present Application. Given the information asymmetry between the parties and the fact that the CR does not know precisely what data is covered and what use was made of the data, it was only natural that in its pleading the CR adopted a broad definition of Off-Facebook Data without providing an exhaustive list of what falls within that definition. Even so, there are significant references in the pleadings to types of information and data that they consider falls within Off-Facebook Data.

32. The difficulty with that approach is that there are matters which fall within this broad definition of Off-Facebook Data which Meta say cannot fall within the theory of harm and should not form part of the subject matter of these proceedings. There is clearly a dispute between the parties on this matter.

33. The claim in the current form was certified in February 2024, and the original defence served on 20 January 2025. At that stage, there was no request for further information, but it was quite clear from the CMC in these proceedings heard in July 2025, there was a live issue regarding the pleading of Off-Facebook Data.

34. The Tribunal considers, having heard the submissions of the parties, that it is important that at some stage it is abundantly clear what information and data in fact falls within the definition of Off Facebook Data and the CR's theory of harm. It is unsatisfactory to have a situation in which the witnesses and the experts are unclear as to precisely what is in play in these proceedings at the time they give their evidence/reports.

35. On the other hand, the Tribunal does not consider it appropriate at this stage to require the CR to provide further particulars regarding Off-Facebook Data now. It is already particularised to a significant degree in the current pleadings, and the CR has said it cannot particularise any further.

36. However, the Tribunal considers that the CR could particularise some aspects further, but it is not going to be a cost-effective method to provide some further particulars now and the rest later. The best time for the CR to provide these particulars will be after disclosure has been provided, when it is actually known what data is involved and what Facebook was doing.

37. As regards the timing of the Request, the Tribunal directs that the Request is answered after the completion of disclosure.

38. The Tribunal accepts the evidence of Mr Corrie in his witness statement where he sets out Meta's proposed disclosure timing, and so the longstop date is now amended to 10 February 2027. Therefore, the CR is to provide further particulars on Off-Facebook Data after the disclosure process has been completed, at a specific date to be determined at the next CMC or on the papers.

39. The terms of the RFI require amendment as they contain submission and argument in the form filed (see paragraph 21 above). Accordingly, Meta is given liberty to serve an amended RFI of the RACF, but it should delete paragraphs 1-3 and 5-6 of the RFI. It can leave in the references to the pleadings at paragraph 4.

40. Turning to the Request itself, Request 1 states as follows:

> "**Request 1: the definition and role of "*Off-Facebook Data*" as part of the CR's case**
>
> (1) Please particularise all of the types of data that are alleged by the CR to fall within the scope of the pleaded defined term "Off-Facebook Data" and the basis for those allegations. […]"

41. The Tribunal understands that the CR may answer this question by saying that it is *everything*. However, the Tribunal does not think that is necessarily going

to be particularly helpful. What the CR should do in its answer is list out what it says are the categories of data.

42. If there are matters which could fall within that wide definition but does not form part of the CR's claim, then that can be specified at the same time. That way we will have full clarity as to what is in and what is out of play. The Tribunal understands what the CR's case is, which is essentially that Off-Facebook Data is everything, however the CR should still list all the individual items that she is aware of. Of course, the quoted passage in paragraph 63 of the RACF is an indication of what are the basic types of data, but that all can be repeated there.

43. As regards Request 1(2), the first three lines shall remain; the rest are to be deleted, because that to a certain extent is argument. It is a matter for the CR to set out its basis. The Tribunal understands what its current basis is and it may not change in the RFI, but at least they are pinned down at that stage. Request 3 is approved in its current form.

E. THE GDPR REQUEST

44. The GDPR Request provides as follows:

> "**Request 2: GDPR**
>
> (1) Please confirm whether, as part of the CR's case of an alleged abuse of dominance (as pleaded in the RACF), it is alleged that Meta infringed GDPR.
>
> (2) If an alleged infringement of GDPR is relied upon for this purpose, please particularise.
>
> a. the alleged infringement of GDPR (in reference to specific provisions of GDPR and also to the alleged facts of this UK case); and
>
> b. how any such alleged infringement of GDPR is alleged to be relevant to and to support the alleged abuse of dominance.
>
> (3) If an alleged infringement of GDPR is not relied upon as part of the CR's case of an alleged abuse of dominance (as pleaded in the RACF):
>
> a. please explain whether the CR instead intends to advance a distinct cause of action under GDPR as part of these proceedings; and

b. to the extent not answered by Request 2(3)(a) above, how (if at all) GDPR is alleged to be relevant to the CR's competition law claim."

(a) The parties' submissions

45. The CR has agreed to respond to the GDPR Request. The outstanding issues in relation to this Request are: (i) the timing as to when the CR should respond; and (ii) whether the CR should be permitted to file a further response confirming or clarifying her position post-disclosure.

46. In relation to timing, Meta considers that clarification as to whether the CR alleges that Meta breached GDPR is a simple matter and should require no more than one day to respond to. The GDPR Request also seeks particulars of any alleged breach of GDPR, together with clarification as to the alleged role (if any) of any alleged breach of GDPR in these proceedings. Having regard to when the proceedings were issued, certification being granted more than two years ago, and there being multiple substantive post-certification CMCs (including submissions as to the CR's position in relation to GDPR, Meta considered it inconceivable and unjustifiable for the CR to contend that she requires more than the five weeks Meta proposed as the period for the CR to respond. Accordingly, the CR should be able to confirm her position and explain it without delay.

47. Meta proposed that the CR should respond to the GDPR Request by 13 March 2026, being one week after the CMC and eight weeks after the CR received Meta's RFI, such a period being reasonable and achievable. In addition, a deadline of 13 March 2026 would provide Meta with a greater opportunity to consider the CR's positions ahead of the CMC listed on 20 April 2026, at which directions to trial will be considered.

48. Meta did not agree with the CR's suggestion that she should have an automatic right to provide a further response to the GDPR Request post-disclosure. The GDPR Request is straightforward, and the CR should be able to confirm whether she is alleging whether Meta infringed GDPR and, if so, particularise that allegation including in respect of this competition law claim. The CR may need to revisit her pleaded position in relation to GDPR following disclosure.

She should not have an automatic right to provide a further response and can seek permission in the usual way, if so advised.

49. The CR suggested that she requires until 2 April 2026 to provide a response to the GDPR Request. The deadline proposed by the CR would not cause any prejudice in relation to Meta and the submissions in relation to urgency in relation to the Off-Facebook Data Request (as set out above at paragraph 26(6)) apply *mutatis mutandis* in respect of the GDPR Request. The reasons particularly apply given the fact that Meta are seeking particulars in relation to each article of the GDPR relied upon by the CR and how each fit within her case. In addition, the matters raised by the GDPR Request are not ones which were discussed in the List of Issues for Disclosure or Redfern Schedule process.

50. In relation to the CR's request for liberty to file a further response, the CR submitted that the parties were agreed that, should a response to the Off-Facebook Data Request be required, the CR should also be granted liberty to provide a further response following disclosure to confirm or clarify her position. The CR contended that the position should be the same as regards the GDPR Request as, insofar as the CR alleges infringements of GDPR, her final position will depend on the disclosure provided as to how Meta processed Users' data and the terms that governed that processing.

(b) Analysis

51. The GDPR Request is allowed, subject to deleting the commentary, as already indicated, and in particular paragraph 7.

52. There are two issues. The first is when the answer should be given, and the second is whether or not the CR should be permitted to file a revised response, or at least an updated response, at a later stage once disclosure has been completed.

53. As regards the first issue, the Tribunal considers that the CR should be given until 2 April 2026, not least because it may well be that counsel have got other cases to work on, and in particular this case is very time-consuming, and the

Tribunal does not want this to be rushed, given the importance of the answer to the case.

54. As regards the second issue, whilst in relation to the RFI ordered against Meta in the *December 2025 Disclosure Ruling*, Meta has been given liberty to file a revised answer after disclosure, the reason for that do not apply here. The RFI in relation to the GDPR is simply asking what the case is of the CR, and that should not depend at this stage on what comes out of disclosure. By and large, it is a legal issue.

55. However, the Tribunal will not exclude, at this stage, any application further down the line to amend the answer provided by the CR to the GDPR Request. It has always been the law in relation to interrogatories that a party can apply to file a corrective affidavit as to interrogatories. The Tribunal considers that it has jurisdiction to allow a party on application to amend a response to a request for further information, as is the practice under the CPR mechanisms.

F. DISCLOSURE UPDATE

56. The Designated Solicitor, Mr Corrie, has provided a witness statement updating the Tribunal on the disclosure process he is carrying out. Corrie 1 explains the various streams of work that need to be carried out. The phases of the disclosure process being undertaken by Meta are summarised at paragraph 65 of Corrie 1:

> "65. The disclosure exercise in these Proceedings will involve several distinct phases, some of which will run sequentially and some in parallel (as explained further below):
>
> a) running the search terms over the collected custodial documents and transfer of the responsive material to the Meta Entities' third-party eDiscovery vendor (which is currently in train);
>
> b) technical processing (including global de-duplication and email threading/culling, and deduplication against the *Klein* documents);
>
> c) first level review ("FLR"), facilitated by a Continuous Active Learning model ("CAL");
>
> d) second level review ("SLR"), including privilege and redaction checks; and
>
> e) preparation of productions and third-party confidentiality review.

57. This is, among other things, exactly the type of detail and update that the Tribunal requires, and it would be helpful if Mr Corrie would provide an update, either by letter or witness statement, to the Tribunal in three months' time as to how the process is working.

58. The Tribunal is not going to make any determination at the moment on what should be the precise timings and deadlines for rolling disclosure. It is appreciated that rolling disclosure in itself can entail added costs and more searches than when you just have a bulk disclosure, where everything comes in at the last moment. The Tribunal indicated in the *December 2025 Disclosure Ruling* that it expects rolling disclosure in these proceedings, but it has to be done in a proportionate way, and Mr Corrie has to weigh the benefits of rolling disclosure in relation to specific issues with the added costs and possibly further added delay in the whole process.

59. Therefore, at the moment, the Tribunal is leaving it up to the parties to try and resolve any issues on rolling disclosure.

60. As noted above at paragraph 38, the longstop date is now 10 February 2027.

Hodge Malek KC
Chair

Charles Dhanowa, CBE, KC (Hon)
Registrar

Date: 6 March 2026