



COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: CR189Mar22/DSC160Jan25

In the application to compel between:

GOVCHAT (PTY) LTD First Applicant
HASHTAG LETSTALK (PTY) LTD Second Applicant

and

META PLATFORMS INC. First Respondent
WHATSAPP INC. Second Respondent
FACEBOOK SOUTH AFRICA (PTY) LTD Third Respondent

In re: the matter between:

COMPETITION COMMISSION Applicant

and

META PLATFORMS INC. First Respondent
WHATSAPP INC. Second Respondent
FACEBOOK SOUTH AFRICA (PTY) LTD Third Respondent

Panel: G Budlender (Presiding Member)
T Vilakazi (Tribunal Member)
I Valodia (Tribunal Member)

Heard on: 01 December 2025

Date of Last Submission: 08 December 2025

Order Issued on: 18 December 2025

ORDER

Having read the papers filed in application CR189Mar22/DSC160Jan25, having heard argument from the parties, and having considered submissions by the parties, the Tribunal orders as follows:

1. The Respondents (collectively 'Meta') shall within 10 business days from the date of this order file an affidavit or affidavits comprehensively outlining the methodology adopted in the search or searches for documentation responsive to the discovery requests filed to date on behalf of the Intervenors in the complaint referral proceedings. Such affidavit or affidavits shall deal with at least the following matters:
 - 1.1. The process for selection of custodians: Meta must explain the process by which the custodians listed in Annexure B to the affidavit of Mr Derek Lötter dated 25 August 2025 were selected as being the persons likely to be in possession of documents relevant to matters in the complaint referral proceedings.
 - 1.2. Repositories of documentation: Meta must explain what devices, databases and other repositories of electronic documentation belonging to or used by the above custodians (such as, for example, Meta's email servers and cloud-based storage systems) were subjected to the search or searches performed by Meta (or on behalf of Meta) for documentation responsive to the discovery requests filed to date on behalf of the

Intervenors in the complaint referral proceedings (the ‘**Discovery Requests**’).

- 1.3. Keywords and search terms: Meta must list the keywords and search terms that were selected and applied to the search or searches of the above repositories performed by Meta (or on behalf of Meta) for documentation responsive to the Discovery Requests.
- 1.4. The engagement of Consilio Partners: Meta must state: (a) who was responsible for instructing Consilio Partners to produce the “*discovery repository*” referred to in paragraph 6 of the affidavit of Mr Derek Lötter dated 25 August 2025; (b) the instructions that were given to Consilio Partners for that purpose; (c) the keywords and search terms used by Consilio Partners applied to any search or searches of that repository by Consilio Partners or by any other person; (d) any refinements that were made to the search process to make it more accurate or responsive; and (e) to what extent there has been human oversight, interaction and involvement in the discovery review process.
- 1.5. Schedule of remaining disputed document requests: save for Items 4 and 7, Meta is required to furnish a response to each individual Item in the Intervenors’ Discovery Schedule dated 20 June 2025 (the ‘**Discovery Schedule**’) indicating: (a) which documents have been produced by way of discovery in relation to each Item; (b) where Meta objects to producing documents responsive to any Item (if any), the reasons for any such objection; (c) where the Respondents are aware of documents responsive

to any Item(s) that are no longer in Meta's possession (if any), the whereabouts of any such documents, if known.

2. The affidavit or affidavits referred to in paragraph 1 above shall be deposed to by an individual or individuals with the requisite personal knowledge of the matters referred to in paragraphs 1.1 to 1.5 and paragraph 3 below;
3. The affidavit or affidavits referred to in paragraph 1 above shall, subject to paragraph 5 below, include an affidavit or affidavits deposed to by an individual or individuals employed by Meta confirming the responses to the Discovery Schedule provided for in paragraph 1.5 above, and confirming (subject to paragraph 4 below, and subject to any objections that Meta may raise as contemplated in paragraph 1.5 above) that, to the best of their knowledge and belief, no further responsive documents are within Meta's possession or under its control.
4. If Meta proposes to produce additional documents that are responsive to the Discovery Schedule, it shall produce those additional documents within 10 business days from the date of filing of the affidavit(s) referred to in paragraph 1 above.
5. If Meta contends that no individual or individuals within its employ has / have adequate personal knowledge to attest to the matters referred to in paragraphs 1.1 to 1.5 and 3 above, this shall be explained in an affidavit deposed to by an appropriate Meta employee setting forth why Meta contends that no such individual or individuals have such adequate personal knowledge to do so.

6. The Intervenors and Meta shall be permitted to approach the Tribunal on the same papers, supplemented if necessary, to seek further relief insofar as necessary.
7. There is no order as to costs.

18 December 2025

Adv. Geoff Budlender SC

Date

Concurring: Prof. Imraan Valodia and Prof. Thando Vilakazi

Tribunal Case Managers:	Andriza Liebenberg, Tarryn Sampson, and Theresho Galane
For GovChat (Pty) Ltd and Hashtag Letstalk (Pty) Ltd:	Paul Farlam SC and Luke Kelly instructed by Shawn van der Meulen of Webber Wentzel
For Meta Platforms Inc., WhatsApp Inc., and Facebook South Africa (Pty) Ltd:	Jerome Wilson SC and Lerato Zikalala instructed by Derek Lotter and Claire Reidy of Bowmans