

Claim No: GLW/1234/18

IN THE SHERIFF COURT AT GLASGOW
1 Carlton Place
Glasgow
G5 9DA

Friday, 9 February 2018

BEFORE:

SHERIFF FRAMER

BETWEEN:

A COMPANY
Pursuer
-and-

JOE BLOGGS
Defender

MR COUNSEL QC (instructed by Solicitors) appeared on behalf of the Pursuer

MISS COUNSEL QC (instructed by Solicitors) appeared on behalf of the Defender

PROCEEDINGS
DAY SEVEN

Daily Transcript by Larking Hodge Pollock
Suite 6, Legal House, 101 Gorbals Street, Glasgow G5 9DW
Tel: 0141 248 6244

1 Friday, 9 February 2018
 2 (1000)
 3 MISS COUNSEL: Good morning.
 4 MR JUSTICE JUDGE: Yes.
 5 Mr WITNESS BLOGGS, Resumed
 6 Cross-examined by MISS COUNSEL
 7 (Cont'd)
 8 MISS COUNSEL: Good morning Mr
 9 Bloggs?
 10 Q. Now, before we come on to the topic, I
 11 wanted just to go back to some of your
 12 evidence yesterday about what you did in
 13 February 2008. So, can you be given the
 14 transcript for yesterday, please? My Lord,
 15 do you have a copy of the transcript, because
 16 we have got an extra one here.
 17 MR JUSTICE JUDGE: I have been making
 18 up my own bundle of transcripts but there is
 19 a difficulty about producing indices. What I
 20 have requested, but I think this has probably
 21 already been dealt with, is a full bundle of
 22 transcripts with indices.
 23 MISS COUNSEL: Yes, okay.
 24 MR JUSTICE JUDGE: Thank you.
 25 MISS COUNSEL: (To the witness) So, if

1 you can turn, please, to the transcript from
 2 yesterday. Forgive me. Yes, and if you can
 3 turn to page 108 please?
 4 A. These little pages?
 5 Q. Little pages, yes. It should be page 108
 6 at the top?
 7 A. Yes.
 8 Q. You will remember I was asking you
 9 about the document that Judith Planteri sent
 10 to you. It is B21 page 96, if you want to look
 11 at that?
 12 A. Yes, please.
 13 MR JUSTICE JUDGE: B?
 14 MISS COUNSEL: B21 page 96. You will
 15 remember that we were discussing this
 16 document. Do you remember that?
 17 A. Yes.
 18 Q. And the information contained within this
 19 document is the most confidential
 20 information that was in existence about what
 21 you were doing, was it not?
 22 A. No, it's not the most confidential because
 23 it's in the public domain.
 24 Q. Well, you did not - you were not able to
 25 access this information publicly, were you?

1 A. Not at this point, but there is a Data
 2 Transparency Act in the European Union
 3 where you can access this kind of
 4 information.
 5 Q. You were not able to access this
 6 information publicly, were you?
 7 A. At this point I would have had to make a
 8 request to my company to disclose the status
 9 of submission.
 10 Q. And you would not have known what the
 11 company were planning to do or not do
 12 without asking a colleague?
 13 A. Maybe they would have told me, but
 14 maybe they wouldn't have.
 15 Q. Did you ask them for this information?
 16 A. Yes, I did because in the talks in January,
 17 which was the other meeting that we had, I
 18 asked for this information.
 19 Q. And what do you say was said to you
 20 when you asked for it?
 21 A. You can look at it in the minutes of 12th
 22 of March 2008.
 23 Q. What do you say was said to you on 12
 24 March when you asked for it?
 25 A. They said something - that they had done,

1 but please look at the document. I cannot
 2 recall 100%.
 3 Q. So, you asked some questions. They
 4 gave you some information?
 5 A. Yes.
 6 Q. And then you were trying to find out
 7 more at this stage?
 8 A. Like I explained yesterday, the
 9 regulations in the EU is such that once you
 10 supply a letter of access to your data and this
 11 data was submitted to the authority under an
 12 application of another party, that data would
 13 come back to that other party in case the
 14 application is withdrawn.
 15 Q. You could not have got all this
 16 information from the authorities, could you?
 17 A. Yes, I could but I would have to make a
 18 petition and it takes quite a while to get this
 19 information.
 20 Q. Well, you did not - you were not able to
 21 access this information publicly, were you?
 22 A. Not at this point, but there is a Data
 23 Transparency Act in the European Union
 24 where you can access this kind of
 25 information.

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12 information from the authorities, could you?
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14 petition and it takes quite a while to get this
15 information.
16 (Adjourned until 10.30 am the following day)
17 (1545)