From: Animal Law Reform South Africa Outreach
To: "Admin"
Cc: Melanie Murcott; Amy P Wilson
Bcc: "Melanie Murcott"
Subject: RE: ALRSA - Access to information in terms of PAIA
Date: Monday, 13 February 2023 14:19:00
Attachments: image002.png
image003.png
BidCorp ALRSA PAIA PoP - 19 January 2023.pdf
Confirmation of Appointment Animal Law Reform South Africa ("ALRSA") Mr. Cheslyn Craig Ceaser.docx.pdf
Bidcorp Form 2 - 25 Nov 2022.pdf

Dear Leigh

I trust you are well.

We acknowledge receipt of your correspondence dated 21 December 2022 in response to our PAIA request. We have now had an opportunity to take legal advice in respect of your correspondence and set out our response below. Please note that whilst we do not intend to deal with each and every issue raised in your correspondence of 21 December 2022, we reserve the right to do so in detail, and in the appropriate forum, should the need arise.

At the outset we wish to raise our dismay that Bidcorp has insisted that we pay an access fee notwithstanding its refusal to provide access to information. We enclose proof of payment of the requested access fee in the sum of R140,00 into your bank account, noting that we had requested an exemption from paying this fee. We remain of the view that we are entitled to an exemption but have made payment of this amount for the sake of expediency, and reserve our rights fully.

In relation to the grounds of refusal to provide access to information relied upon by Bidcorp, we wish to place the following on record, and give Bidcorp a further opportunity to be transparent and accountable in the interests of the welfare of chickens in South Africa.

As you are no doubt aware, PAIA gives effect to the right to access to information in terms of s 32 of the Constitution. Its constitutionally ordained purpose is to promote transparency, accountability, and ensure effective governance of all bodies in South Africa, including corporations such as Bidcorp. PAIA is further to be interpreted in a generous and purposive manner. Following this approach, it has been held that information in private hands with a demonstrable and sufficient connection to the exercise or protection of any rights legitimately belongs in the public domain.

In relation to your reliance s 53 of PAIA, we vehemently deny that our PAIA request does not meet the mandatory procedural requirements prescribed by PAIA. We have set out our response to your refusal to our request below.

In relation to paragraph 2.1 of your letter, the form completed and submitted by us is, in all material respects, the same as the form contained in PAIA. It contains all information needed for Bidcorp to adopt a transparent and accountable approach to access to information. For the sake of completeness, we attach a completed Form 2. This clarifies the form and manner of access, which was, in any event, set out in our letter of 25 November 2022. We do not believe that we ought to be prejudiced by your dogmatic approach to the requirements of PAIA. Such an approach flies in the face of the spirit and purport of this legislation.

In relation to paragraph 2.2 of your letter, it would sadly appear that Bidcorp does not appreciate that the protection of an environment not harmful to health or wellbeing includes the protection of animal welfare. This is spelt out in our request for access to information, such that we have indeed adequately explained the right we seek to protect. Given that we are emerging from a pandemic

caused by human-animal disease transfer, it ought to be self-evident that animal welfare and an environment not harmful to health or wellbeing are intertwined. Further, as a matter of law, the environmental right encompasses the protection of animal welfare. There is a growing body of jurisprudence, including from the Constitutional Court, that confirms that the right to have the environment protected includes the protection of animal welfare. It is thus not the case that Bidcorp is entitled to refuse access to records on the basis that we have not identified or explained the right that we seek to protect.

Moreover, and in any event, our request seeks to secure ecologically sustainable use of chickens in South Africa and promote only justifiable social and economic development in the poultry sector, taking into account the welfare concerns of chickens.

ALRSA is accordingly entitled to the information requested and your allegation to the contrary is denied. We hereby reiterate our request for the information as contained in our request dated 25 November 2022, refused by Bidcorp on the false premise that we have not complied with s 53 of PAIA.

In relation to paragraph 2.3 of our letter, please see the attached confirmation of my role at ALRSA. It is unclear to us why this information was insisted upon by Bidcorp, as it is quite clear that I am acting on behalf of ALRSA.

We trust that BidCorp will revisit its approach and look to advance transparency and accountability in relation to the environment and the welfare of chickens, noting the Supreme Court of Appeal's remark that:

> "Corporations operating within our borders, whether local or international, must be left in no doubt that in relation to the environment…there is no room for secrecy and that constitutional values will be enforced."

We look forward to your response to our request in terms of PAIA forthwith. Should you fail to respond, we reserve our rights to exhaust the legal remedies available to us, including but not limited to, approaching the Information Regulator to lodge a complaint in respect of Bidcorp, and/or approaching the courts.

Kindly respond to this correspondence by no later than **20 February 2023** given that we are currently preparing our public report in which we will rank Bidcorp relative to its transparency and stance on animal welfare and environmental sustainability, among other matters. The ranking will be informed by your response to this correspondence, as well as the previous correspondence and records provided.

Kindly acknowledge receipt of this email.

Kind regards
Cheslyn Ceaser on behalf of

Outreach: External Liaison
Animal Law Reform South Africa
outreach@animallawreform.org

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From: Admin <Admin@bidcorp.co.za>
Sent: Friday, 23 December 2022 14:46
To: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>; Admin <Admin@bidcorp.co.za>
Cc: Melanie Murcott <melaniemurcott@animallawreform.org>; Amy P Wilson <amywilson@animallawreform.org>
Subject: RE: ALRSA - Access to information in terms of PAIA
Importance: High

Dear Cheslyn Ceaser

Kindly deposit the required R140 request fee into Bidcorp's bank account (details attached hereto), in line PAIA, and provide proof thereof via return email.

In addition, please find attach hereto, Bidcorp's response to your request received on November 25, 2022.

Kind regards,

Bidcorp
www.bidcorpgroup.com

Leigh Roos - FCG (Chartered Secretary)
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Postnet Suite 136 | Private Bag X9976 | Sandton | 2196
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From: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Sent: Friday, 25 November 2022 12:49
To: Admin <Admin@bidcorp.co.za>
Cc: Melanie Murcott <melaniemurcott@animallawreform.org>; Amy P Wilson <amywilson@animallawreform.org>
Subject: ALRSA - Access to information in terms of PAIA

Dear David Edward Cleasby,

I trust you are well.

By way of introduction, my name is Cheslyn Ceaser. I write on behalf of Animal Law Reform South Africa.

Kindly find attached a request for access to information in terms of the Promotion of Access to Information Act 2 of 2000, as well as a covering letter with more information in respect thereof.

We look forward to receiving your response within 30 days of the date hereof (i.e., by no later than **29 December 2022**).

Kindly acknowledge receipt hereof.

Kind regards,

Cheslyn Ceaser on behalf of

Outreach: External Liaison
Animal Law Reform South Africa
outreach@animallawreform.org

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