

Animal Law Reform South Africa Outreach

From: Animal Law Reform South Africa Outreach
Sent: Thursday, 28 March 2024 14:12
To: [REDACTED]
Cc: [REDACTED]
Subject: ALRSA_McDonalds_PAIA_Request_13_12_2023
Attachments: ALRSA - Access to information in terms of PAIA.pdf; ALRSA -McDonalds Letter re PAIA request - 16 Nov 2022.pdf; ALRSA PAIA Form C - Mcdonalds.pdf; ALRSA_McDonalds_Cover_Letter_13_12_2023.pdf; ALRSA_McDonalds_PAIA_Form_13_12_2023.pdf; ALRSA_McDonalds_PAIA_Request_13_12_2023.pdf; ALRSA_PAIA_List_of_Requests.pdf; Gmail - ALRSA_McDonalds_PAIA_Request_13_12_2023.pdf; Undeliverable - McDs_14_03_2024.pdf; Undeliverable_ALRSA_McDonalds_13_12_2023.pdf

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[REDACTED]

Dear [REDACTED]

By way of introduction, I am [REDACTED] I work as the Legal Researcher for Animal Law Reform South Africa (“ALRSA”) and am reaching out to you in this capacity following several unsuccessful attempts to engage directly with your colleagues in South Africa.

During 2022, we exercised our constitutional right to access to information from a private body by requesting information from McDonald’s Corporation’s associated company, MSA DEVCO (Pty) Ltd t/a McDonald’s South Africa (“**McDonald’s**”), in terms of South Africa’s Promotion of Access to Information Act 2 of 2000 (“**PAIA**”). Our request (attached) related to McDonald’s role in the egg supply chain of South Africa and was aimed at protecting the constitutional right to an environment not harmful to health or wellbeing, which imposes obligations on private bodies as well as the state. McDonald’s response (attached) was reported on in “Laying Down the Facts: Animal Welfare Standards of the Companies providing your Favourite Foods” (the “Initial Report”), available [here](#).

On 13 December 2023, we sent McDonald’s another request for access to information in terms of PAIA (attached).

PAIA is aimed at promoting transparency and accountability by ensuring that individuals and entities have access to information held by public and private bodies. In compliance with this law, companies operating in South Africa are obliged to create and maintain PAIA manuals, which outline the procedures for requesting access to specific information held by the individual/ entity. They are further required to grant access to information requested in terms of their PAIA manual subject to certain exceptions and legal requirements.

The Information Officer listed in McDonald’s PAIA manual is Jo-Ann De Wet. During 2022, Ms De Wet responded to our emails.

However, it appears that either our domain, or the wording contained in our request, may since have been blocked or flagged, as we are no longer able to send emails to any employees of McDonald’s, including Ms De Wet.

On 14 March 2024, we attempted to resubmit our request via a gmail account (email attached). However, we received the same ‘undeliverable’ notifications (attached).

At worst, this indicates underhanded efforts on the part of McDonald’s to prevent us from engaging with your colleagues in South Africa in a manner that violates our constitutional rights, including our right to access to information. At best, McDonald’s is failing to comply with its legal obligations under PAIA given that the Information Officer listed in McDonald’s PAIA Manual is not contactable.

As a multinational corporation operating within South Africa’s borders, even the appearance of stifling transparency and corporate accountability by using a block preventing engagement with civil society organisations such as ALRSA is a very serious matter. This is particularly so given the country’s constitutional context which demands a culture of justification.

Against the above background, we are reaching out to you, as General Counsel. We kindly request that you ensure compliance by your colleagues in South Africa with PAIA, and direct us to a person that can be of assistance in responding to our request as required by law.

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 McDonald’s, and/or approach the courts. We will further report on McDonald’s approach in our forthcoming report.

We thank you in advance for your intervention in this matter and request that you acknowledge receipt of this email.

Kind regards

[Redacted Signature]

Outreach: External Liaison

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