From: Animal Law Reform South Africa Outreach
To: [redacted] to Information in terms of PAIA
Date: Monday, 13 February 2023 14:33:00
Attachments: image001.png

Dear [redacted]

I trust you are well.

We acknowledge receipt of your correspondence dated 12 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 12 December 2022, we reserve the right to do so in detail, and in the appropriate forum, should the need arise.

It would appear that Shoprite is refusing to afford access to the majority of the information requested in our PAIA request. However, Shoprite has not explicitly relied on any grounds of refusal in PAIA, nor has it complied with the requirements of PAIA.

To the extent that Shoprite claims that information is not in its possession, it is incumbent upon Shoprite to provide, in terms of s 55 of PAIA, an affidavit detailing the steps taken by you to locate the information, and to clarify precisely which information is not in its possession. You have not done so. We accordingly request access, alternatively the requisite affidavit.

To the extent that Shoprite claims in paragraph 6.5 of your letter that it is "not privy to… information from its suppliers", we wish to highlight the following.

First, this statement amounts to a refusal to provide access. The courts have confirmed, however, it is necessary for you to indicate and fully justify the basis upon which you refuse access to information in terms of PAIA. We hereby afford Shoprite the opportunity to do so, alternatively to revisit its stance on transparency and provide access. In light of s 70 of PAIA, the duty on Shoprite to justify its refusal to provide access is particularly important given the public interest in food safety and animal welfare.

Secondly, it seems entirely untenable that Shoprite is not in possession of any of the requested information about its suppliers, as you have alleged. The information requested would emerge from supplier contracts, among other records, including those that advance Shoprite's Position Statement on Biodiversity and Responsible Sourcing. It cannot be the case that Shoprite does not conclude contracts with its egg suppliers or have any of the requested records relating to its suppliers.

Thirdly, the statement contradicts the contents of paragraph 6.4 of your letter, which states "we are aligned with legislation and best practices related to animal welfare…". If, indeed, Shoprite is not privy to information concerning its suppliers' practices related to housing, egg production, nutrition, stocking density and the use of cages of the chickens received from suppliers, Shoprite is not, in fact, adopting best practice in respect of animal welfare. Shoprite would also not be complying with its own Position Statement on Biodiversity and Responsible Sourcing. Your correspondence appears to amount to an admission that Shoprite does not have a system in place for the assurance of compliance by its suppliers with best practices in relation to animal welfare. Is this the case? If so, we are concerned, since Shoprite has committed in its Position Statement on Biodiversity and Responsible Sourcing to "collaborating and partnering with suppliers and other organisations to promote responsible sourcing of key agricultural…products". Further, Shoprite has committed to

"being transparent on [your] efforts and performance". ALRSA is an organisation seeking to advance responsible sourcing of egg products, yet when we have approached you for access to records you have bluntly refused access and failed to adopt a transparent approach. Given Shoprite's commitments in its Position Statement, we hereby request information in respect of such efforts regarding Shoprite's responsible sourcing of eggs from suppliers, and transparency about its efforts and performance. This would include insisting on cage free and better chicken commitments from suppliers, among other steps.

Lastly, we wish to highlight that Shoprite has not complied with its obligations in terms of section 71 of PAIA in respect of the information requested. In particular, there is no indication that Shoprite has informed its suppliers of our request, nor sought their consent to disclose the information we requested.

We trust that Shoprite 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 receiving a fully compliant and thorough response to our request in terms of PAIA forthwith. Should you fail to provide access as requested, 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 Shoprite, 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 Shoprite's 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

[redacted]

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

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From: [redacted]
Sent: Monday, 19 December 2022 14:00
To: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>

Cc: [redacted]
Subject: Re: ALRSA - Access to Information in terms of PAIA

Good day

Herewith please find attached our formal reply in terms of your PAIA request dated 16 November 2022.

[redacted]

From: [redacted]
Sent: Thursday, 17 November 2022 08:07
To: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Cc: [redacted]
Subject: Re: ALRSA - Access to Information in terms of PAIA

Good morning

We acknowledge receipt of your PAIA request and will respond in due course.

[redacted]

From: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Sent: Wednesday, 16 November 2022 20:52
[redacted]
Subject: ALRSA - Access to Information in terms of PAIA

[redacted]
I trust you are well.
By way of introduction, my name is [redacted] 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 20 December 2022).

Kindly acknowledge receipt hereof.
Kind regards,

[redacted]

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