

Animal Law Reform South Africa Outreach

From: [REDACTED]
Sent: Monday, 10 June 2024 15:08
To: Animal Law Reform South Africa Outreach
Cc: [REDACTED]
Subject: RE: ALRSA_Burger_King_PAIA_Request_22_11_2023
Attachments: E Oppn - Signed Affidavit.pdf; W Koekemoer - Signed Affidavit.pdf; S Crook - Signed Affidavit.pdf; [BKSA Data]REQUEST FOR CONSENT: ALRSA // BURGER KING & RBI; RE: [External] [BKSA Data]REQUEST FOR CONSENT: ALRSA // BURGER KING & RBI
Importance: High

"Without Prejudice"

Dear all,

The below email from the Animal Law Reform South Africa ("ALRSA") dated 4 June 2024 has reference ("*Email*").

1. We do not intend to address all the allegations in the Email, and our reservations to do so should not under any circumstances be deemed as admissions. We reserve our rights to respond to any and/or all allegations at a later stage or the appropriate forum.
2. We expressly disagree with the feedback in the Email. We have at all times acted in good faith, collaborated with the ALRSA, and provided the available records in line with the provisions of the Promotion of Access to Information Act, 2000, as amended ("*PAIA*").
3. In addition, we were required to obtain consent from third parties in line with PAIA, which we duly complied with, and provided the ALRSA with the third party's response. Contrary to the ALRSA's Email, the third party's grounds for refusing access to the records are permitted grounds in terms of PAIA.
4. Kindly find attached the supporting affidavits and email correspondence as requested.

We trust that the above is in order.

Kind regards,



[REDACTED]

[REDACTED]

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From: Animal Law Reform South Africa Outreach [REDACTED]
Sent: Tuesday, June 4, 2024 3:34 PM
To: [REDACTED]
[REDACTED]
[REDACTED]
Subject: RE: [BKSA Data]RE: ALRSA_Burger_King_PAIA_Request_22_11_2023

Dear Information Officer

Thank you for your response to our recent email correspondence.

We do not agree with your characterisation of the communications between us as “without prejudice”. There is no dispute between Burger King and Animal Law Reform South Africa. Rather, Animal Law Reform South Africa is exercising its constitutionally protected rights to access to information in the public interest. In accordance with its legal obligations, Burger King has furnished a response. It is nonsensical to refer to the correspondence exchanged between us as “without prejudice” in this context.

To the extent that you did not furnish information in response to our PAIA request, your failure to do so amounts to a refusal to provide access in breach of your obligations in terms of PAIA. Indicating “not applicable” is synonymous with a refusal. This is particularly so given that Burger King did not provide the requisite affidavit in terms of section 55 of PAIA confirming the steps taken to locate the information requested, and stating under oath that the information requested does not exist.

You undertook to provide such an affidavit, but to date we have not received one. Kindly provide the affidavit by no later than **10 June 2024**.

Further, whilst we note that you claim to have sought consent from your Master Franchisor to share information requested, it is not relevant that information is purportedly “proprietary”, as this is not a lawful ground for refusal in terms of PAIA, as your Master Franchisor ought to have been informed by your Information Officer.

In respect of your refusal of requests related to third parties, you have not provided proof of efforts to engage with other third parties as required by section 71 of PAIA. Instead, you indicated “not applicable”. Such conduct amounts to a refusal to provide access.

As requested on 22 May 2024, please share the documents that we are unable to open, namely:

- [BKSA Data REQUEST FOR CONSENT ALRSA BURGER KING & RBI - Effie Oppon.msg](#); and
- [RE External BKSA Data REQUEST FOR CONSENT ALRSA BURGER KING & RBI - Effie Oppon.msg](#).

We reserve our rights to pursue further action against Burger King in the interests of transparency and corporate accountability toward animals and the environment more broadly.

In our forthcoming public report, Burger King's rating will be informed by all correspondence with us.

Kindly acknowledge receipt of this email.

Kind regards

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



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From: BKSA Legal [REDACTED]

Sent: Tuesday, May 28, 2024 10:01 AM

To: [REDACTED]

Subject: [BKSA Data]RE: ALRSA_Burger_King_PAIA_Request_22_11_2023

Importance: High

BKSA Data

"Without Prejudice"

Dear all,

The below email dated 22 May 2024 ("Email") refers.

We do not intend to address all the allegations in the Email and our reservation to do so should not under any circumstances be deemed as admission. We reserve our right(s) to respond to any and/or all of the allegations at the appropriate time, or forum.

For clarity, all communication with the Animal Law Reform South Africa ("ALRSA") is strictly on a without prejudice basis.

Kindly note our below responses for your attention:

1. Burger King South Africa Proprietary Limited and its affiliates ("BKSA") expressly deny that we refused to provide any information as alleged in the Email. The majority of the questionnaires addressed to BKSA were not applicable. We indicated such sections on the Google Forms provided by the ALRSA.

2. In addition, as a Master Franchisee of Burger King® Global ("Master Franchisor"), we are required contractually and by legislation to obtain consent before sharing any third-party information with the ALRSA. We addressed a letter to our Master Franchisor as a result and we received feedback that the information requested was proprietary to the Master Franchisor and as such, the information could not be shared with the ALRSA.
3. We have attached the request for consent and the Master Franchisor's response referred to in Paragraph 2 above, as requested.

We trust that the above addresses the queries from the ALRSA.

Please acknowledge receipt of this email.

Kind regards,



Group Legal Department

From: Animal Law Reform South Africa Outreach [REDACTED]

Sent: Wednesday, May 22, 2024 12:14 PM

To: [REDACTED]

Subject: RE: ALRSA_Burger_King_PAIA_Request_22_11_2023

Dear Information Officer

We acknowledge receipt of your correspondence dated 5 February 2024 in response to our PAIA request. Thank you for considering our request and providing access to some requested records. Your efforts are appreciated.

We note that the following documents uploaded to our Google forms cannot be viewed or downloaded, namely:

- [BKSA Data REQUEST FOR CONSENT ALRSA BURGER KING & RBI - Effie Oppon.msg](#); and
- [RE External BKSA Data REQUEST FOR CONSENT ALRSA BURGER KING & RBI - Effie Oppon.msg](#).

We kindly request that you share these documents again by email.

We further note that Burger King has refused to provide access to most of the records requested. We do not agree with the reasons for refusal and reserve our rights to pursue further action against Burger King in the interests of transparency and corporate accountability toward animals and the environment more broadly.

In our forthcoming public report, Burger King's rating will reflect your partial disclosure.

Kindly acknowledge receipt of this email.

Kind regards

[Redacted signature]

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



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From: Animal Law Reform South Africa Outreach

Sent: Wednesday, March 13, 2024 3:53 PM

To: [Redacted]

Subject: RE: ALRSA_Burger_King_PAIA_Request_22_11_2023

Good day

Thank you for your response in respect of our request. We acknowledge receipt of your correspondence and attachments in response to our PAIA request. We reserve our rights to respond to you in respect of your response in due course.

Kind regards

[Redacted signature]

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



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From: BKSA Legal [REDACTED]

Sent: Monday, February 5, 2024 5:56 PM

To: [REDACTED]

Subject: RE: ALRSA_Burger_King_PAIA_Request_22_11_2023

Importance: High

"Without Prejudice"

Good day,

The below chain of emails has reference.

Kindly refer to the attached letter for your attention, and please acknowledge receipt hereof.

Kind regards,



Group Legal Department

Burger King South Africa Proprietary Limited is registered in South Africa under the registration number 2011/143896/07. Registered Office: 10th Floor, 33-on-Heerengracht, Foreshore, Cape Town, 8001.

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From: Animal Law Reform South Africa Outreach [REDACTED]

Sent: Tuesday, January 30, 2024 10:19 AM

To: [REDACTED]

Subject: RE: ALRSA_Burger_King_PAIA_Request_22_11_2023

Dear Information Officer

This email concerns the request for access to information in terms of the Promotion of Access to Information Act 2 of 2000 (“PAIA”) delivered to Restaurant Brands International Inc. and its associated company, Burger King South Africa (Pty) Ltd (“Burger King”) on behalf of Animal Law Reform South Africa on **22 November 2023**. In terms of our request, your response to our request was due by no later than **22 December 2023**.

We hereby notify you that your non-response to our request amounts to a refusal in terms of PAIA. Burger King will be rated accordingly in our forthcoming public report relating to corporate accountability in the egg supply chain.

You are hereby given a final opportunity to respond to our request by no later than **6 February 2024** given that we are currently preparing our public report.

Should you fail to do so, 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 Burger King and/or approach the courts.

Kindly acknowledge receipt of this email.

Kind regards

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



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From: Animal Law Reform South Africa Outreach

Sent: Wednesday, December 6, 2023 3:24 PM

To: [REDACTED]

Subject: RE: ALRSA_Burger_King_PAIA_Request_22_11_2023

Dear Information Officer

I trust you are well.

As per the below email, we requested access to information in terms of the Promotion of Access to Information Act (“PAIA”) from Burger King South Africa (Pty) Ltd. Within this request, we provided links to Google forms which would authorise you to submit and upload documentation related to same. Kindly note that in order to access these Google forms, you are required to sign into a Google account. If you encounter any issues with these Google forms, please feel free to reach out to us.

However, for ease of reference, a PDF of the list of documents requested is attached.

We look forward to receiving your timeous response to our request.

Kind regards

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



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From: Animal Law Reform South Africa Outreach

Sent: Wednesday, November 22, 2023 4:19 PM

To: [REDACTED]

Subject: ALRSA_Burger_King_PAIA_Request_22_11_2023

Dear Information Officer

I trust you are well.

By way of introduction, my name is [REDACTED]. I write on behalf of Animal Law Reform South Africa.

We reach out to you to request access to information from Restaurant Brands International Inc. and its associated company, Burger King South Africa (Pty) Ltd in its role as a stakeholder in South Africa's egg supply chain. 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 completed **Google forms** (see cover letter for more details), within 30 days of the date hereof (i.e., by no later than **22 December 2023**).

Kindly acknowledge receipt hereof.

Kind regards

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



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A promotional image for Burger King. The top half has a solid red background with the text "ENJOY THE SMALL PLEASURES" in large, bold, white, rounded letters. Below this, the text "King Value Meals" is written in a similar white font. The bottom half of the image shows a close-up of a sandy surface, possibly a beach or a burger bun.

ENJOY THE
SMALL
PLEASURES
King Value Meals

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