

Animal Law Reform South Africa Outreach

From: Animal Law Reform South Africa Outreach
Sent: Friday, 24 May 2024 10:52
To: [REDACTED]
Cc: [REDACTED]
[REDACTED] RE: ALRSA_Nestle_PAIA_Request_23_11_2023

Tracking:	Recipient	Delivery
	[REDACTED]	
	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
	[REDACTED]	

Dear [REDACTED]

I am writing to follow up on our previous correspondence regarding the PAIA request sent to Nestlé (South Africa) (Pty) Ltd (“Nestlé”) on behalf of Animal Law Reform South Africa on 23 November 2023. The deadline for your response to our request, including the granted extensions, was 5 April 2024. However, we have not received the requested documents as yet.

Understanding the complexities involved in processing such requests, we are providing one further opportunity for you to provide a formal response, until **10 June 2024**. We trust this extension will allow you the necessary time to address our request thoroughly.

Should we not receive a response by the extended deadline of **10 June 2024**, we will deem this as a refusal under PAIA. We may then elect to lodge a formal complaint with the Information Regulator regarding Nestlé’s handling of our request or take such further action as we may be advised.

We value open communication and collaboration and remain hopeful for a positive resolution to this matter.

Please acknowledge receipt of this email.

Thank you for your attention to this urgent matter.

Kind regards

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



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From: [REDACTED]
Sent: Tuesday, April 9, 2024 9:32 AM
To: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Cc: [REDACTED]
Subject: RE: ALRSA_Nestle_PAIA_Request_23_11_2023

Dear Sirs,

The below refers.

I have had to get external counsel on the interpretation put forward. I am still waiting for feedback. I will respond as soon as I have had same.

Regards,

Tekani Mbhalati | Legal Advisor | Legal



Website: www.nestle.co.za



Nestlé Good food, Good life

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From: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Sent: Wednesday, March 27, 2024 11:29 AM
To: [REDACTED]
Subject: RE: ALRSA_Nestle_PAIA_Request_23_11_2023

This message is from an EXTERNAL SENDER. BE CAUTIOUS, particularly with links and attachments.

Dear [REDACTED]

I trust you are well.

We acknowledge receipt of your correspondence dated 8 February 2024 in response to our PAIA request.

We understand that the Easter weekend is a busy period with limited staff capacity and further note the capacity required in order to fulfil our PAIA request timeously. As such, we accept the requested extension period in order to do justice to our request.

We look forward to your response to our request by **5 April 2024**.

Yours sincerely

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



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From: [REDACTED]
Sent: Wednesday, March 20, 2024 1:26 PM
To: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Cc: [REDACTED]
Subject: RE: ALRSA_Nestle_PAIA_Request_23_11_2023

Dear Sirs,

Thank you for the below. I will however only be able to reply on 5 April 2024 given all the public holidays that are coming up.

Regards,

[REDACTED]

Website: www.nestle.co.za



Nestlé Good food, Good life

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From: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>

Sent: Wednesday, March 13, 2024 4:31 PM

To: [REDACTED]

Subject: RE: ALRSA_Nestle_PAIA_Request_23_11_2023

This message is from an EXTERNAL SENDER. BE CAUTIOUS, particularly with links and attachments.

Dear [REDACTED]

I trust you are well.

We acknowledge receipt of your correspondence dated 8 February 2024 in response to our PAIA request. In relation to Nestle's refusal to provide access to information, we wish to place the following on record, and give Nestle a further opportunity to be transparent and accountable in the interests of the welfare of chickens in South Africa, and the protection of the environment.

As you are no doubt aware, PAIA gives effect to the constitutional 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 Nestle. 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 allegation that "*South African law does not recognise animals as legal persons with individual rights within the scope of PAIA and the bill of rights*", we submit that Nestle's interpretation of our request and of PAIA is flawed. PAIA allows any person to request access to information in order to protect a right. ALRSA is the 'person' in the scenario. The right that we aim to protect is the environmental right, which, as confirmed by the Constitutional Court, encompasses the protection of animal welfare. 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 the health and wellbeing of us all are intertwined. Nestle's basis for refusal of access to information is therefore totally flawed. Moreover, and in any event, as required by the environmental right, 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.

We further wish to record that the environmental right and its application insofar as it relates to animal welfare protects all animals as defined in terms of legislation including the Animals Protection Act 71 of 1962 and Performing Animals Protection Act 24 of 1935.

We trust that Nestle will revisit its refusal to provide access to records requested in terms of PAIA so as to advance transparency and accountability in relation to the environment, 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".

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 Nestle, and/or approach the courts.

Kindly respond to this correspondence by no later than **27 March 2024** given that we are currently preparing our public report in which we will rate Nestle in relation to its transparency and stance on animal welfare and environmental sustainability, among other matters.

The rating will be informed by your response to this correspondence, as well as the previous correspondence and any records provided.

All of our rights are reserved.

Kindly acknowledge receipt of this email.

Kind regards

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



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From: [REDACTED]
Sent: Thursday, February 8, 2024 7:40 AM
To: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Cc: [REDACTED]
Subject: RE: ALRSA_Nestle_PAIA_Request_23_11_2023

Dear Sirs,

Please find response to request attached.

Regards,

[REDACTED]

Website: www.nestle.co.za



Nestlé Good food, Good life

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From: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>

Sent: Tuesday, January 30, 2024 10:25 AM

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: ALRSA_Nestle_PAIA_Request_23_11_2023

This message is from an EXTERNAL SENDER. BE CAUTIOUS, particularly with links and attachments.

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 Nestlé S.A., its associated company, Nestlé (South Africa) (Pty) Ltd ("Nestlé") on behalf of Animal Law Reform South Africa on **23 November 2023**. In terms of our request, your response to our request was due by no later than **27 December 2023**, considering that 26 December is a public holiday.

We hereby notify you that your non-response to our request amounts to a refusal in terms of PAIA. Nestlé 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 Nestlé, and/or approach the courts.

Kindly acknowledge receipt of this email.

Kind regards

[REDACTED]

Outreach: External Liaison
Animal Law Reform South Africa
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From: Animal Law Reform South Africa Outreach

Sent: Wednesday, December 6, 2023 3:29 PM

To: [REDACTED]

Subject: RE: ALRSA_Nestle_PAIA_Request_23_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 Nestlé S.A., its associated company, Nestlé (South Africa) (Pty) Ltd, and its brands operating in South Africa. 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

[REDACTED]

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



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From: Animal Law Reform South Africa Outreach

Sent: Thursday, November 23, 2023 3:18 PM

To: [REDACTED]

Subject: ALRSA_Nestle_PAIA_Request_23_11_2023

Dear Information Officer

I trust you are well.

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

We reach out to you to request access to information from Nestlé S.A., its associated company, Nestlé (South Africa) (Pty) Ltd, and its brands operating in South Africa, 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. Furthermore, kindly find attached the required confirmation of appointment and authorisation to submit the aforementioned PAIA request on behalf of Animal Law Reform South Africa.

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 26 December 2023**).

Kindly acknowledge receipt hereof.

Kind regards

[Redacted Signature]

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



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