

Animal Law Reform South Africa Outreach

From: [REDACTED]
Sent: Wednesday, 14 February 2024 18:02
To: Animal Law Reform South Africa Outreach
Cc: Animal Law Reform South Africa Contact; POPIA
Subject: RESPONSE TO REQUEST FOR ACCESS TO RECORDS IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA") FROM ANIMAL LAW REFORM SOUTH AFRICA NPC
Attachments: Annexure A.pdf; AFMA letter confirming Epol Membership.pdf

[REDACTED]

[REDACTED]

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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

Dear [REDACTED]

RESPONSE TO REQUEST FOR ACCESS TO RECORDS IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA") FROM ANIMAL LAW REFORM SOUTH AFRICA NPC

1. We refer to:
 - 1.1 the PAIA request submitted by Animal Law Reform South Africa ("**ALRSA**") to RCL Foods Limited ("**RCL Foods**"), dated 13 December 2023 ("**your request**"); and
 - 1.2 our email dated 9 January 2024, in which we informed you of RCL Foods' extension of the period within which it is required to deal with your request by a further 30 days until 14 February 2024.
2. We have compiled a table containing RCL Food's responses to your request. The table is attached to this letter marked **Annexure "A"**.
3. Please note that where access has been granted or partially granted to records and information, this is done with a full reservation of RCL Foods' rights.

4. Where RCL Foods has refused access to records, the grounds and reasons for doing so are principally as follows:
- 4.1 ALRSA's explanation of why the requested record is required for the exercise or protection of its rights, as is required by section 53(2)(d) of PAIA, is inadequate;
- 4.2 the request does not relate to RCL Foods' chicken feed divisions; and
- 4.3 the requested record contains financial, commercial, scientific or technical information, other than trade secrets, of the private body, the disclosure of which would be likely to cause harm to the commercial or financial interests of the body and access is denied on the basis of section 68(1)(b) of PAIA.
5. We note that ALRSA has requested several documents and/or information which relate to RCL Foods' suppliers ("**third parties**"). We have not granted such requests because these records do not belong to RCL Foods. These records belong to the third parties and should thus be requested directly from them.
6. While an access fee is payable in terms of section 54(6) of PAIA, RCL Foods is prepared to waive the fee in this instance.
7. Please note that you are entitled to lodge:
- 7.1 A written complaint to the Information Regulator against the decision to refuse certain records and information in terms of section 77A of PAIA. The complaint must be lodged in writing within 180 days from the date of this letter.
- 7.2 *Alternatively*, a court application against the refusal of access to certain records and information. In terms of section 78(2) of PAIA, such application must be made within 180 days from the date of this letter.
8. We trust that the above is in order.

Yours Faithfully

From: POPIA

Sent: Tuesday, January 9, 2024 11:24 AM

To: [REDACTED]

Subject: RE: ALRSA_RCL_Foods_PAIA_Request_13_12_2023

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

Dear [REDACTED]

Notice of extension of period to deal with the request of Animal Law Reform South Africa for access to records of RCL Foods Limited ("RCL Foods") in terms of the Promotion of Access to Information Act, 2000

Introduction

1. We refer to the request for access to records in terms of the Promotion to Access to Information Act, 2000 ("PAIA"), which we received from Animal Law Reform South Africa ("ALRSA") on 13 December 2023 ("your Request").
2. Your Request is for a large number of records related to *"RCL Foods' role in the egg supply chain"* for the period 1 December 2022 to 30 November 2023. In terms of paragraph 7 of your Request, the records requested by ALRSA include, but are not limited to, the following:

"internal policies regarding animal welfare and environmental matters, annual and sustainability reporting and asset and stock registers, compliance with relevant animal protection legislation, records related to charges, judgments and orders, records related to egg production and supply chain, industry association membership records and compliance with such association standards, requirements and certification, third party certification, animal welfare and environmental commitments and public statements made in relation to animal welfare and environmental matters."

Notice of extension of the period to deal with your Request

3. As you are aware, RCL Foods is ordinarily required to process requests for information within 30 days unless there are adequate reasons for an extension of the period by a further 30-days as contemplated in section 57 of PAIA.
4. We write to notify you that RCL Foods is exercising its right to extend the 30-day period to deal with your Request by a further period of 30 days. This is for the reasons set out in paragraph 7 below.
5. Accordingly, the deadline for a response from RCL Foods to your Request will be **14 February 2024** (instead of your initial deadline of 15 January 2024).

6. Please note that the extension is made without prejudice to any of RCL Foods' rights.

Reasons for the extension

7. A response to your Request is not possible within the original 30-day period for the following reasons:

7.1 your Request relates to a large number of records and requires that we conduct an extensive search through RCL Foods' records in order to respond. Compliance with the original period will unreasonably interfere with the day-to-day business activities of RCL Foods as contemplated in section 57(1)(a) of PAIA. This is exacerbated by the unfortunate timing of your Request. Many of our employees were, or are still, on leave for the Christmas holidays.

7.2 as contemplated in section 57(1)(c) of PAIA, in order to respond to your Request we will be required to consult with various divisions of RCL Foods, including Epol and Driehoek Feeds.

8. To the extent that any records in your Request are held by third parties, we note that RCL Foods would be required to conduct the third-party notification process envisaged in sections 71 to 73 of PAIA. As you may be aware, in terms of this process, third parties are required to be given 21 days to indicate whether they consent to the disclosure of the relevant records held by them.

Conclusion

9. As mentioned in paragraph 4 above, RCL Foods is extending the period to deal with your Request. This is for the reasons set out in paragraph 7 above.

10. Please note that if you are aggrieved, you are entitled to lodge:

10.1 a written complaint to the Information Regulator against the extension in terms of section 77A of PAIA. The complaint must be lodged in writing within 180 days from the date of this letter;

10.2 *alternatively*, a court application against the extension. In terms of section 78(2) of PAIA, such application must be made within 180 days from the date of this letter.

11. RCL Foods' rights are reserved.

Yours Faithfully

From: [REDACTED]

Sent: Wednesday, December 13, 2023 11:02 AM

To: [REDACTED]

Subject: ALRSA_RCL_Foods_PAIA_Request_13_12_2023

CAUTION: This email originated from outside of the organization!
DO NOT click links or open attachments unless you recognize the sender and know the content is
SAFE.

Dear Information Officer

I trust you are well.

We reach out to you once again to request access to information from RCL Foods Ltd, which includes its brands, Epol and Driehoek Feeds, a company associated with Yum! Brands Inc. 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 and attached PDF document entitled "ALRSA_PAIA_List_of_Requests" for more details), within 30 days of the date hereof (**i.e., by no later than 15 January 2024**). 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.

Kindly acknowledge receipt hereof.

Kind regards

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



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