

Animal Law Reform South Africa Outreach

From: Animal Law Reform South Africa Outreach
Sent: Tuesday, 12 March 2024 14:55
To: Data Privacy
Cc: [REDACTED]
Subject: RE: ALRSA_Shoprite_PAIA_Request_04_12_2023

Dear [REDACTED]

We acknowledge receipt of your correspondence dated 22 January 2024 in response to our PAIA request. Thank you for the information provided. We wish to address claims in your letter under reply that undermine transparency and corporate accountability demanded by ss 32 and 24 of the Constitution of the Republic of South Africa, 1996, among other provisions. We reserve the right to respond more fully in due course, should the need arise.

Ad para 2.1.5

First, the statement made in this paragraph amounts to a refusal to provide access. The courts have confirmed that when one refuses access to a PAIA request, it is necessary to indicate and fully justify the basis upon which they 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, environmental protection, including animal welfare, and consumer protection.

Secondly, it is untenable that Shoprite is not in possession of any of the requested information about its suppliers, as claimed. 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, Shoprite has not complied with its obligations in terms of s 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. Shoprite's contention in paragraph 3 of your letter under reply that it is not obliged to do so is obstructive and contrary to the spirit, purport, and objects of the Constitution.

Fourthly, Shoprite states "[w]e are also a member of the Consumer Goods Council of SA and a business partner of WWF South Africa". However, no records confirming the same have been provided. Kindly provide records confirming such membership.

Ad para 2.1.6

We note your refusal to provide the records requested on the grounds of s 68 of PAIA. The courts have confirmed, however, that it is not sufficient to refuse access to records merely by quoting a provision in PAIA. This is because the purpose of PAIA is to promote transparency and access, and PAIA is to be interpreted in this light. It is thus necessary for you to indicate and fully justify the basis upon which you allege that s 68 is applicable. We hereby afford Shoprite the opportunity to do so, alternatively to revisit its stance on transparency and provide access. Should Shoprite persist in its refusal, the onus rests on Shoprite to show, based on real and substantial grounds that there is a strong probability that a harmful consequence will occur to it. Absent such evidence, this ground cannot lawfully be invoked.

In our forthcoming public report, Shoprite's rating will be informed by the response to this correspondence, as well as the documents provided to date. We look forward to further engagement with you.

Should you have any questions, do not hesitate to contact 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: Data Privacy [REDACTED]
Sent: Monday, January 22, 2024 9:11 AM
To: Animal Law Reform South Africa Outreach [REDACTED]
Cc: [REDACTED]
Subject: Re: ALRSA_Shoprite_PAIA_Request_04_12_2023

Good day

Kindly find attached herewith our reply and affirmation.

Kind regards,

[REDACTED]
Group Compliance Manager
www.shopriteholdings.co.za

Shoprite Holdings Home

The largest South African retailer by market capitalisation, sales, profit and number of employees and customers.

www.shopriteholdings.co.za



From: Animal Law Reform South Africa Outreach [REDACTED]

Sent: Friday, 19 January 2024 13:56

To: Data Privacy [REDACTED]

Subject: RE: ALRSA_Shoprite_PAIA_Request_04_12_2023

Dear [REDACTED]

I trust you are well.

Thank you for your response and acknowledgement of receipt of our request dated 4 December 2023 to Shoprite Holdings Ltd, which includes its wholly owned subsidiaries, Shoprite Checkers (Pty) Ltd and OK Bazaars (Venda).

We confirm that we have received your email and request for an extension.

We note that we did not receive your response on **15 January 2024**, as indicated in your previous correspondence. In the event that you did not respond, we kindly request that you do so on or before **26 January 2024**. If you have responded, kindly forward same to this email address.

We look forward to hearing from you.

Yours sincerely,

[REDACTED]

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



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From: Data Privacy [REDACTED]

Sent: Tuesday, December 19, 2023 9:25 AM

To: Animal Law Reform South Africa Outreach [REDACTED]

Cc: [REDACTED]

Subject: Re: ALRSA_Shoprite_PAIA_Request_04_12_2023

Good day

We confirm receipt of your request.

Please note that we will only be able to respond to your request by 15 January 2024.

Kind regards,

From: Animal Law Reform South Africa Outreach [REDACTED]

Sent: Monday, 04 December 2023 13:52

To: Data Privacy [REDACTED]

Cc: [REDACTED]

Subject: ALRSA_Shoprite_PAIA_Request_04_12_2023

Dear Information Officer

I trust you are well.

We reach out to you once again to request access to information from Shoprite Holdings Ltd, which includes its wholly owned subsidiaries, Shoprite Checkers (Pty) Ltd and OK Bazaars (Venda) 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 4 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

[REDACTED]

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



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Disclaimer:

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