

Animal Law Reform South Africa Outreach

From: [REDACTED]
Sent: Tuesday, 28 May 2024 13:49
To: [REDACTED]
Subject: RE: ALRSA_Spur_PAIA_Request_04_12_2023

| Tracking: | Recipient | Delivery |
|-----------|------------|------------|
| | [REDACTED] | |
| | [REDACTED] | |
| | [REDACTED] | |
| | [REDACTED] | [REDACTED] |
| | [REDACTED] | [REDACTED] |
| | [REDACTED] | |

[REDACTED]

We acknowledge receipt of your correspondence dated 24 May 2024.

We strenuously disagree with your views about our efforts to report on transparency and accountability of role-players in the egg industry. It is troubling that your client has adopted a hostile and obstructive stance towards our efforts. The public has a right to know how Spur engages with civil society on crucial matters such as consumer health and well-being, animal welfare, and environmental sustainability. We will continue to exercise our right to freedom of expression in the public interest, including to uphold the environmental right. We urge your client to take legal advice on our lawful exercise of these rights before pursuing any spurious and ill-founded proceedings against us. Any such proceedings will be defended, and we will seek costs on an attorney and own client scale.

Our rights, stemming from the constitutionally guaranteed rights to the protection of the environment, access to information, and freedom of expression in the public interest, remain reserved.

Kind regards

[REDACTED]

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



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From: [REDACTED]
Sent: Friday, May 24, 2024 11:08 AM
To: [REDACTED]
[REDACTED]

Subject: RE: ALRSA_Spur_PAIA_Request_04_12_2023

24 May 2024

Dear Sirs,

We refer to the email chain below.

Your statement that “*In our forthcoming public report, Spur’s rating will be informed by your client’s refusal*” is reckless and unlawful.

In this regard, we have already informed you that our client does not consent to be included in any ranking and/or report of ALRSA. Also, and simply put, you do not have any information from our client to include our client in any ranking and/or report. Our client’s refusal to provide the information in terms of PAIA cannot inform ALRSA’s ranking of our client and this is non-sensical. ALRSA has rights it can exercise to try and obtain information and any ranking/report without information from our client, with its consent, is rejected with the contempt it deserves.

Our client will not hesitate to act against ALRSA and its representatives should ALRSA and its representatives act unlawfully and reckless.

Our client’s rights remain strictly and expressly reserved.

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 24 May 2024 09:42 AM
To: [REDACTED]
[REDACTED]

Subject: RE: ALRSA_Spur_PAIA_Request_04_12_2023

24 May 2024

Dear Sirs,

We acknowledge receipt of your email below and will respond in due course once we have received instructions from our client.

Our client's rights remain reserved.

[REDACTED]

From: [REDACTED]
Sent: 22 May 2024 11:44 AM
To: [REDACTED]
Subject: RE: ALRSA_Spur_PAIA_Request_04_12_2023

[REDACTED]

We acknowledge receipt of your correspondence dated **11 May 2024** in response to our PAIA request.

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

We wish to highlight again that the production and consumption of eggs is inherently harmful to chickens and the environment more broadly. Ample scientific evidence confirms this fact. There is nothing baseless about our efforts to uphold and protect the environmental right in the public interest.

In our forthcoming public report, Spur's rating will be informed by your client's refusal.

Kind regards

[REDACTED]

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From: [REDACTED]
Sent: Saturday, May 11, 2024 6:10 PM
To: [REDACTED]
Subject: RE: ALRSA_Spur_PAIA_Request_04_12_2023

11 May 2024

Dear Sirs

We attach our letter dated 11 May 2024 for your attention.

[REDACTED]

From: [REDACTED]
Sent: 12 March 2024 03:32 PM
To: [REDACTED]
Subject: RE: ALRSA_Spur_PAIA_Request_04_12_2023

12 March 2024

Dear Sirs,

We acknowledge receipt of your email below.

Our clients' rights remain reserved.

[REDACTED]

From: Animal Law Reform South Africa Outreach [REDACTED]
Sent: 12 March 2024 02:57 PM
To: [REDACTED]
Subject: RE: ALRSA_Spur_PAIA_Request_04_12_2023

[REDACTED]

We acknowledge receipt of your correspondence dated 5 February 2024 in response to our PAIA request. 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 others. We reserve the right to respond more fully in due course, should the need arise. To the extent that we do not address specific claims, they should be taken to be denied.

Your client's refusal to provide access to information is noted with dismay. It is disappointing that your firm continues to advise clients to undermine the spirit, purport, and objects of the Constitution and the Protection of Access to Information Act (PAIA).

As you know, another client of your firm was reminded by the Supreme Court of Appeal that it was not to its "*credit, espousing, as it does, a commitment to environmental sensitivity and asserting a collaborative approach to ensuring that environmental degradation is limited, to then assume an obstructive and contrived approach to a request for information which can only assist that collaborative effort*". Your clients would be well advised to heed this remark.

Ad para 3.1

Your clients' allegation that our request "fails to meet the mandatory stipulated procedural requirements of s 53(2)(d) of PAIA" is incorrect. We urge you to consult case law on PAIA's threshold. In terms of s53(2)(d), ALRSA is required to identify the right that we are seeking to exercise or protect and provide an explanation of why the requested records are required for the exercise or protection of that right. We have met the necessary threshold.

Ad para 3.2

Despite your regrettable suggestions to the contrary, animal cruelty is a serious human rights issue that concerns us all, particularly in the context of food systems that impact on consumer health and well-being and the environment. Our request pursues corporate accountability in relation to animal welfare and environmental harm prevalent in the egg industry, in which your clients are participants. As a civil society organisation and registered non-profit, we are entitled to exercise our constitutional rights to freedom of expression (s16), access to information (s32), and to an environment not harmful to health or well-being, including to have the environment protected for the benefit of present and future generations (s24).

Your suggestion that we would only be entitled to access to the requested information if empowered by statute to enforce relevant laws reveals a high level of ignorance in relation to the duties imposed on your clients by PAIA and the Constitution. We have a legitimate role in advancing interrelated concerns for animal welfare, environmental protection, and human health and well-being in the public interest. Your clients have concomitant statutory and constitutional duties given the rights we seek to protect. It is deeply troubling that your clients are not being properly advised on their duties.

Ad para 3.3

In terms of our PAIA request dated 4 December 2024, we rely on the environmental right, which protects animal welfare and environmental harms caused by the egg supply chain. We further provided ample justification as to why the requested records are required for the protection of the environmental right within our PAIA request. Your clients' refusal to acknowledge our concerns for animal welfare and environmental protection as giving rise to a legitimate basis to request information illustrates a worrying lack of care for the environment and all beings who live in it.

Ad para 5

In the spirit of cooperation, we remain willing to engage constructively and in good faith with your clients in relation to the content of our reporting, both prior to and post-publication, should your clients wish to do so. This has been our approach from the outset. We again encourage your clients to engage with us.

Any ill-advised attempt to stifle the exercise of our rights, including our rights to freedom of expression and public participation in pursuit of environmental protection will be strenuously defended, including by invoking the strategic litigation against public participation ("SLAPP") defence recently pronounced upon by the Constitutional Court, if necessary. Our rights are fully reserved in this respect.

We encourage your clients to adopt an open, cooperative, and transparent stance, as many other role players in the egg industry have done in our engagements with them.

All our rights remain reserved.

Kindly acknowledge receipt of this email.

Kind regards

[REDACTED]

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From: [REDACTED]

Sent: Monday, February 5, 2024 9:11 AM

To: [REDACTED]

Subject: RE: ALRSA_Spur_PAIA_Request_04_12_2023

5 February 2024

Dear Sir/Madam,

We attach our letter dated **5 February 2024** for your attention.

[REDACTED]

[REDACTED]

[REDACTED]

From: Animal Law Reform South Africa Outreach [REDACTED]

Sent: 19 January 2024 01:38 PM

To: [REDACTED]

Cc: [REDACTED]
[REDACTED]

Subject: RE: ALRSA_Spur_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 Spur Corporation.

We look forward to receiving your response to our request by **31 January 2024**.

Yours sincerely,

[REDACTED]

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From: [REDACTED]

Sent: Thursday, January 4, 2024 2:56 PM

To: [REDACTED]
[REDACTED]

Subject: RE: ALRSA_Spur_PAIA_Request_04_12_2023

4 January 2024

Dear [REDACTED]

We refer to the above matter, your email below and confirm – again – that we act on behalf of Spur Corporation Limited (hereinafter referred to as “**our client**”).

Given the timing of ALRSA’s PAIA request, we confirm that we are yet to consult with our client and its representatives, and we will only be able to do so in the next 2 (two) weeks due to the limited availability of our client’s representatives and my own (including my team). In the circumstances, we confirm that we will provide you with our client’s response to the PAIA request (and related correspondence if necessary) by Wednesday, 31 January 2023.

Our client’s rights remain reserved.

[REDACTED]

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From: Animal Law Reform South Africa Outreach [REDACTED]

Sent: Monday, December 4, 2023 1:51 PM

To: [REDACTED]

Subject: ALRSA_Spur_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 Spur Corporation Ltd, which includes its wholly owned subsidiaries, Spur Group (Pty) Ltd and Rocomamas Franchise Co (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 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 signature]

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