From: Animal Law Reform South Africa Outreach
To: Esther De Jager
Cc: Mike Cathie; Melanie Murcott; Amy P Wilson
Bcc: Melanie Murcott
Subject: RE: ALRSA - Access to information in terms of PAIA
Date: Tuesday, 21 February 2023 13:49:00
Attachments: image001.png
image002.png
Confirmation of Appointment Animal Law Reform South Africa ("ALRSA") Mr. Cheslyn Craig Ceaser.docx.pdf

---

Dear Esther

We acknowledge receipt of your correspondence dated 23 January 2023 in response to our PAIA request. We have now had an opportunity to take legal advice in respect of your correspondence and set out our response below. Please note that whilst we do not intend to deal with each and every issue raised in your correspondence of 23 January 2023, we reserve the right to do so in detail, and in the appropriate forum, should the need arise.

In relation to Nandos' refusal to provide access to information, we wish to place the following on record, and give Nandos a further opportunity to be transparent and accountable in the interests of the welfare of chickens in South Africa. This is particularly important given Nandos' Animal Welfare Statement in which Nandos alleges "we know we have a responsibility to ensure that every aspect of how we source our chicken (and how our partners source our eggs) meets the best international and local standards". Further, given that "animal welfare is a top priority" we would expect Nandos to adopt a transparent and accountable approach to our request.

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 Nandos. 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 allegations regarding s 53 of PAIA, we vehemently deny that our PAIA request does not meet the mandatory procedural requirements prescribed by PAIA.

In relation to paragraph 2.1 of your letter, it is antithetical for Nandos, on the one hand, to claim that animal welfare is a "top priority", and then to deny that the protection of an environment not harmful to health or wellbeing includes the protection of animal welfare. That we seek to protect the right to an environment not harmful to health or wellbeing is spelt out in our request for access to information. We have thus indeed adequately explained the right we seek to protect. 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 health or wellbeing are intertwined. Further, as a matter of law, the environmental right encompasses the protection of animal welfare. There is a growing body of jurisprudence, including from the Constitutional Court, that confirms that the right to have the environment protected includes the protection of animal welfare. It is thus not the case that Nandos is entitled to refuse access to records on the basis that we have not identified or explained the right that we seek to protect.

Moreover, and in any event, 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. Again, given that Nandos is aware of its responsibility to ensure that every aspect of how your partners source their eggs meets the best international and local standards, we are surprised that Nandos would deny access given that the right we seek to protect aligns with Nandos' self-professed responsibilities toward animal welfare.

ALRSA is accordingly entitled to the information requested and your allegation to the contrary is denied. We hereby reiterate our request for the information as contained in our request dated 17 November 2022, refused by Nandos on the false premise that we have not complied with s 53 of PAIA.

In relation to paragraph 2.2 of your letter, please see the attached confirmation of my role at ALRSA. It is unclear to us why this information was insisted upon by Nandos, as it is quite clear that I am acting on behalf of ALRSA.

We trust that Nando's will adjust its approach 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 Nandos, and/or approaching the courts.

Kindly respond to this correspondence by no later than **28 February 2023** given that we are currently preparing our public report in which we will rank Nandos relative to its transparency and stance on animal welfare and environmental sustainability, among other matters. The ranking will be informed by your response to this correspondence, as well as the previous correspondence and records provided. At present, it would appear that whilst Nandos, on paper, has expressed a commitment to animal welfare, it is not prepared to be held accountable to its own standards, and our report will reflect this stance in the absence of further information from Nandos.

Kindly acknowledge receipt of this email.

Kind regards
Cheslyn Ceaser on behalf of

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

Follow us on Social Media
Facebook | Instagram | Twitter | LinkedIn

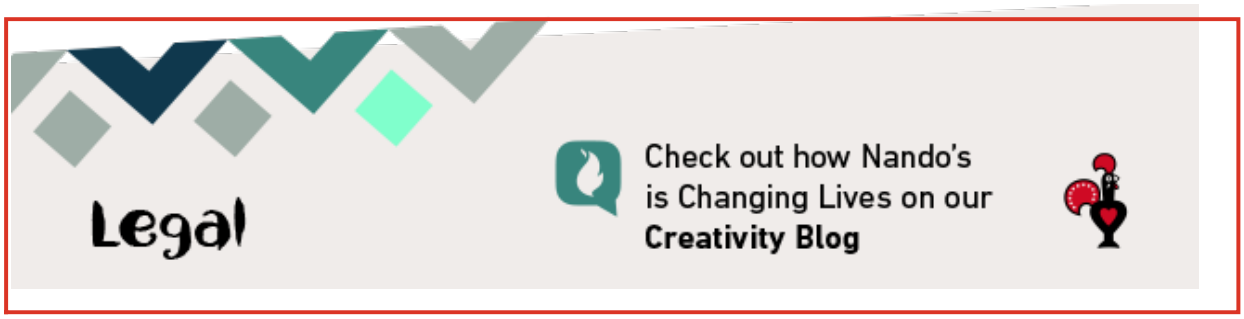
This message as well as all information and/or attachments hereto are confidential and may be legally privileged. It is intended solely for the addressee and access to this message by anyone else is unauthorised. Should you not be the recipient for which this communication is intended, any disclosure, copying or distribution of the message, or any action or omission taken by you in reliance on it, is prohibited and may be unlawful. If you have received this message in error, please immediately notify the sender hereof. Animal Law Reform South Africa is not a registered law firm or law clinic. Any and all communications, information, documentation and other content provided by us should not be construed as and does not constitute legal advice. These are for informational purposes only and should not be relied on.

From: Esther De Jager <esther@nandos.com>
Sent: Monday, 23 January 2023 09:09
To: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Cc: Mike Cathie <mikec@nandos.com>; Melanie Murcott <melaniemurcott@animallawreform.org>; Amy P Wilson <amywilson@animallawreform.org>
Subject: ALRSA - Access to information in terms of PAIA

Dear Cheslyn

Please find attached our response from the desk of Mr Mike Cathie.

Kind regards



From: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Sent: Monday, December 5, 2022 1:53 PM
To: Mike Cathie <mikec@nandos.com>
Cc: Melanie Murcott <melaniemurcott@animallawreform.org>; Amy P Wilson <amywilson@animallawreform.org>
Subject: RE: ALRSA - Access to information in terms of PAIA

Dear Mr Cathie

I trust you are well.

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 Nandos on behalf of Animal Law Reform South Africa on **17 November 2022**. We are reaching out to ask that you acknowledge receipt of our PAIA request. We further look forward to your response to our PAIA request within the prescribed 30-day period (i.e., by no later than **21 December 2022**). As previously indicated, Nandos has a legal obligation to respond to our PAIA request within the prescribed period, and failure to do so is a contravention PAIA.

Kindly acknowledge receipt of this email.

Yours sincerely,

Cheslyn Ceaser on behalf of

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

Follow us on Social Media
Facebook | Instagram | Twitter | LinkedIn

This message as well as all information and/or attachments hereto are confidential and may be legally privileged. It is intended solely for the addressee and access

to this message by anyone else is unauthorised. Should you not be the recipient for which this communication is intended, any disclosure, copying or distribution of the message, or any action or omission taken by you in reliance on it, is prohibited and may be unlawful. If you have received this message in error, please immediately notify the sender hereof. Animal Law Reform South Africa is not a registered law firm or law clinic. Any and all communications, information, documentation and other content provided by us should not be construed as and does not constitute legal advice. These are for informational purposes only and should not be relied on.

From: Animal Law Reform South Africa Outreach
Sent: Thursday, 17 November 2022 07:59
To: mikec@nandos.com
Cc: Melanie Murcott <melaniemurcott@animallawreform.org>; Amy P Wilson <amywilson@animallawreform.org>
Subject: ALRSA - Access to information in terms of PAIA

Dear Mr Cathie,

I trust you are well.

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

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 response within 30 days of the date hereof (i.e., by no later than **21 December 2022**).

Kindly acknowledge receipt hereof.

Kind regards,

Cheslyn Ceaser on behalf of

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

Follow us on Social Media
Facebook | Instagram | Twitter | LinkedIn

This message as well as all information and/or attachments hereto are confidential and may be legally privileged. It is intended solely for the addressee and access to this message by anyone else is unauthorised. Should you not be the recipient for which this communication is intended, any disclosure, copying or distribution of the message, or any action or omission taken by you in reliance on it, is prohibited and may be unlawful. If you have received this message in error, please immediately notify the sender hereof. Animal Law Reform South Africa is not a registered law firm or law clinic. Any and all communications, information, documentation and other content provided by us should not be construed as and does not constitute legal advice. These are for informational purposes only and should not be relied on.

Email Disclaimer

The information contained in, or attached to, this email message is confidential and may be proprietary. Nothing in this message constitutes an offer, warranty or representation from us. It is intended for the recipient or recipients to whom it is addressed. If you are not the intended recipient of this e-mail and have received it in error please notify the sender of the e-mail immediately by return e-mail, facsimile or telephone and delete it and any attachment and all copies of it and of any such attachment from your

system immediately and destroy any paper copies. If you are not the intended recipient, you are not authorised to use, store, distribute, disclose, print or copy any part of this e-mail or any attachment to it, whether directly or indirectly. This message has been scanned for computer viruses, however we do not accept any liability whatsoever in respect of any potential damage caused by any virus which is not detected. This disclaimer applies to the original e-mail message and any attachments sent as well as to all subsequent messages or attachments that we may send.

Personal Information

We respect your privacy and acknowledge that this email will contain personal details, which may belong to you, others and / or to your company (Personal Information).

By sending and / or receiving this email communication, you expressly give us consent to process and further process the Personal Information contained therein which processing will be done in accordance with POPIA and the NANDO's POPIA PRIVACY policy and any other related policies in place from time to time (that are available on request from the Information Officer) which is available BY CLICKING AND ACCESSING THIS HYPERLINK: https://www.nandos.co.za/privacy-policy