

To:

ANIMAL LAW REFORM OF SOUTH AFRICA

27 February 2023

our ref
your ref
date

Email: outreach@animallawreform.org
amywilson@animallawreform.org

RE: ANIMAL LAW REFORM SOUTH AFRICA | CHICKENLAND (PTY) LTD T/A NANDO'S

1. We refer to the above matter and confirm that we act on behalf of Chickenland (Pty) Ltd t/a Nando's (hereinafter referred to as "**our client**").
2. We do not deal with each and every engagement between our client's representatives and the representatives of Animal Law Reform South Africa (hereinafter referred to as "**ALRSA**"); and our failure to do so should not be construed as an admission or otherwise of the correctness thereof. Our client's rights to deal with those engagements at the appropriate forum and at the appropriate time remain strictly and expressly reserved.
3. With reference to the various Requests for Access to Information since November 2022 from ALRSA under the Promotion of Access to Information Act, 2000 ("**PAIA**") to our client, we confirm that we have been instructed to again refuse the records requested on the basis that, *inter alia*, (i) such requests fail to meet the mandatory, stipulated procedural requirements in section 53(2)(d) of PAIA, (ii) fails to provide a substantive explanation of why the requested record is required for the exercise or protection of that right, and (iii) how that information would assist the ALRSA in exercising or protecting that right. Our client's rights to supplement its grounds of refusal in due course and in the appropriate forum remain reserved.
4. In addition to the above, our client has not provided its consent to, *inter alia*, (i) participate **or** (ii) be included **or** (iii) be ranked in any report compiled by ALRSA.
5. In fact, ALRSA's unilateral election to include our client in a report without their consent indicating, *inter alia*, "**...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**" is unlawful and ALRSA has no right to do so in light of the fact that our client is responding to PAIA requests.
6. Simply put, ALRSA is obliged to follow the appropriate avenue(s) as provided for in PAIA and cannot use

against them to, *inter alia*, harm their reputation and/or solicit information in the interim. In this regard, ALRSA has the right to pursue any appropriate avenue provided for in PAIA if it is not satisfied with our client's response to the respective PAIA requests, including lodging a written complaint on Form 5 published under regulation 10 of the PAIA Regulations to the Information Regulator against the refusal of the request by our client within 180 days of this refusal, alleging why our client's decisions to refuse access to the record was not in compliance with PAIA.

7. In the circumstances, we have been instructed to demand – as we hereby do – that that ALRSA provides a written undertaking within 7 (seven) days from the date of transmission of this letter that it will not (i) mention and/or (ii) rank and/or (iii) include our client in any report of ALRSA without our client's written consent and pending the finalisation of the outcome of processes ALRSA is obliged to follow in terms of PAIA.
8. Should you fail to provide the undertaking in paragraph 7 above, we hold instructions to approach the High Court of South Africa for, *inter alia*, urgent interdictory relief and an appropriate costs order.
9. Our client's rights remain reserved.

Yours faithfully

