

From:

Subject:

Date:

Attachments:

RE: URGENT: ANIMAL LAW REFORM SOUTH AFRICA | CHICKENLAND (PTY) LTD T/A NANDO'S #0518879# [ENS-ENS.FID5890542]

Tuesday, 07 March 2023 14:02:00

[image001.png](#)

We acknowledge receipt of your correspondence dated 27 February 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 27 February 2023, we reserve the right to do so in detail, and in the appropriate forum, should the need arise.

Your client's persistent refusal to provide access to information is duly noted, and we reserve our rights in respect thereof. It is regrettable that your firm continues to advise clients to undermine the spirit and objects of the Protection of Access to Information Act (PAIA), in pursuit of the right to freedom of information contained in the Constitution. This is particularly given judicial pronouncement from the courts where such behaviour was found to be unlawful. Further, Nando's claims to "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". This includes adopting transparent and accountable business practices, especially given Nando's claims that "animal welfare is a top priority".

You may be aware that a previous 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 client would be well advised to heed this remark, rather than making baseless threats.

Moreover, your client seems to be labouring under the misapprehension that we require its permission to exercise our constitutionally protected rights including our right to freedom of expression in terms of s 16 of the Constitution, or that your client may prohibit us from exercising this right. As a civil society organisation and registered non-profit, we intend to exercise our rights and do so in the public interest as part of ongoing public participation efforts to promote corporate accountability, as well as environmental protection, and animal welfare as intertwined concerns (as confirmed by the Constitutional Court).

We are well within our rights to report on your client's refusal to provide access to the information we have requested, including reporting on the threatened action against us, as we seek to advance constitutional rights, including the rights to access to information and an environment not harmful to health or well-being in the public interest. There is no basis in law for your contention that such reporting would be unlawful.

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

Any ill-advised attempt to stifle the exercise of our rights, including our right to freedom of expression and our 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.

Instead of attempting to manufacture a wholly disingenuous and counterproductive basis upon which threaten action against Animal Law Reform South Africa as we seek to protect animal welfare in pursuit of the fulfilment of the environmental right, we encourage your client 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 of our rights remain reserved.

Kind regards

Outreach: External Liaison

Animal Law Reform South Africa

outreach@animallawreform.org



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Sent: Monday, 27 February 2023 21:03

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Dear Sirs

We attach a letter dated **27 February 2023** for your **URGENT** attention.

Yours faithfully

