From: [redacted]
Subject: RE: (Our ref: 10560831) PnP Retailers / Animal Law Reform South Africa [CC-AFRICA.FID179855]
Date: Sunday, 05 March 2023 11:53:18
Attachments: image007.png
_3 3 23 CC Letter to ALRSA.pdf

Dear Sirs

The above matter and below email correspondence refers.

Kindly find the attached letter for your attention.

In relation to the annexures to the affidavit in terms of section 55(1) and 55(2) of the Act (as referred to in the attached letter), given the file size of the annexures, we have shared same with you via Workshare Connect.

Kindly click here to access:

https://my.workshare.com/#groups/share/be9d7220-bb3a-11ed-b3b9-0242a50e8b43

Kind regards

[redacted]

From: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Sent: Wednesday, 08 February 2023 16:31
To: [redacted]
Subject: RE: (Our ref: 10560831) PnP Retailers / Animal Law Reform South Africa [CC-AFRICA.FID179855]

Dear [redacted]

I trust you are well.

Thank you for your letter dated 17 January 2023 in response to our PAIA request for access to the records of your client, Pick 'n Pay. We have now had an opportunity to take legal advice in respect of your letter.

We appreciate the care with which you have responded on behalf of your client. We do, however, wish to follow up on the following.

1. First, the contents of paragraph 7 of your letter amount to a refusal on the part of Pick 'n Pay to grant access to the requested information in terms of s 55 of PAIA. This refusal does not, however, meet the requirements of s 55 of PAIA. Section 55 provides that the head of the private body must, by way of affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Furthermore, s 55(2) provides that the affidavit or affirmation must provide a full account of all steps taken to find the record(s) in question or to determine whether the record exists, as the case may be, including all communications with every person who conducted the search on behalf of the head. The courts have further confirmed that a mere statement that a record cannot be found or does not exist does not suffice. We hereby request that your client provide a fully compliant response to the extent that it purports to rely on section 55 of PAIA.

2. Secondly, the contents of paragraphs 8 and 9 amount to a refusal on the part of Pick 'n Pay to provide access to information on the grounds of 'confidentiality' in terms of section 65 of PAIA. Notwithstanding any confidentiality agreements between your client and its suppliers, it is incumbent upon your client to comply with the requirements of section 71 of PAIA. Accordingly, please could you advise what steps Pick 'n Pay has taken, as required by section 71 of PAIA, to inform relevant suppliers of our request, and seek their consent to disclose the information requested. We further look forward to being advised as to the suppliers' representations in relation to the ground of refusal on which your client relies. To the extent that your client has not complied with section 71 of PAIA, the courts have indicated that your client may not validly rely on the ground of refusal invoked.

As you are no doubt aware, PAIA is to be interpreted in a generous and purposive manner to fulfil the purpose of the constitutional right to access to information, including to protect and promote human rights, a culture of justification, and social justice.

We trust that Pick n Pay will revisit its refusal to provide access to records requested in terms of PAIA (which we believe relates to the records requested in paragraphs 6.5 to 6.6 and 6.9 to 6.11 of our PAIA request). In the interests of the welfare of caged chickens we hope that Pick 'n Pay will advance transparency and accountability in relation to the right to have the environment protected. We wish to remind Pick 'n Pay of the Supreme Court of Appeal's remarks 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."

We look forward to hearing from you. We would appreciate you coming back to us by **15 February 2023**, as we are preparing our public report that will rank your client and other

stakeholders in the egg supply chain.

Kindly acknowledge receipt of this email.

Kind regards

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

ANIMAL LAW REFORM
SOUTH AFRICA

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From:
Sent: Tuesday, 17 January 2023 13:16
To: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Cc:
Subject: (Our ref: 10560831) PnP Retailers / Animal Law Reform South Africa [CC-AFRICA.FID179855]

Please find attached our client's letter of reply in terms of section 56 of the Promotion of Access to Information Act 2 of 2000.

Kind regards

[redacted]