



To: Information Officer, Toplay Egg Co-Operative Ltd

11 December 2023

Dear Information Officer,

REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 ("PAIA")

BACKGROUND

1. We are writing to you again to request access to information from Toplay Egg Co-Operative Ltd (formerly Highveld Eggs) ("**Toplay**"), a stakeholder in South Africa's egg supply chain.
2. Toplay is a large egg producer in South Africa with a dominant market share, and supplies eggs to role players in the egg supply chain (see for example, information on its egg offerings, available [here](#)). Toplay is thus a participant in the egg supply chain.
3. In South Africa, the egg supply chain utilises cruel and inhumane practices associated with caged egg production, including the use of battery cages, beak trimming, de-toeing or toe clipping, and/or overstocking within cages, as well as day-old male chick culling. These practices are harmful to animal welfare, human health and well-being, and the environment. An uncomfortable truth is that Toplay's role in the egg supply chain renders it complicit in this cruelty and inhumanity.
4. We previously requested access to information in relation to Toplay's role in the egg supply chain for the period 1 November 2018 to 30 November 2022 ("**the First Period**"). Your failure to respond to our request was deemed to be a refusal in accordance with PAIA. This was reported in "Laying Down the Facts: Animal Welfare Standards of the Companies providing your Favourite Foods" ("**the Initial Report**"), available [here](#). Should you wish to engage with us about the Initial Report, we would welcome constructive dialogue in the public interest and to advance animal welfare, human health and well-being, and the protection of the environment.
5. The Initial Report rated Toplay overall as "grey" for the reasons set out therein, including because it was not responsive to ALRSA's request for access to information. Furthermore, Toplay does not have a publicly accessible PAIA Manual as required by PAIA.

6. As we continue to advance corporate accountability in South Africa's egg industry, we now seek access to records for the period 1 December 2022 to 30 November 2023 ("**the Second Period**") in respect of Toplay's role in the egg supply chain.
7. The records requested include internal policies regarding animal welfare and environmental matters, annual and sustainability reporting and asset and stock registers, compliance with relevant animal protection legislation, records related to charges, judgments and orders, records related to egg production and supply chain, industry association membership records and compliance with such association standards, requirements and certification, third party certification, animal welfare and environmental commitments and public statements made in relation to animal welfare and environmental matters. The records are required to protect the environmental right enshrined in section 24 of the Constitution of the Republic of South Africa, 1996.

REQUEST FOR ACCESS TO INFORMATION

8. Please see attached a PAIA Form 2 request in terms of which we seek access to records relating to Toplay's role in the egg supply chain for the Second Period (1 December 2022 to 30 November 2023). In addition, we have devised two Google forms which list the records which we request from you. The Google forms enable you to directly upload the requested records to our Google drive, to simplify the process of sending and receiving records. By way of complying with your obligations in terms of PAIA, we ask that you complete the two Google forms:
 - 8.1. **PART A**: which concerns a request for records in the Second Period focused on animal welfare issues arising from Toplay's role in the egg supply chain (in a similar vein to our previous request related to the First Period, which Toplay remained non-responsive to); and
 - 8.2. **PART B**: which concerns information related to the environmental impacts arising from Toplay's role in the egg supply chain.
9. You will need to sign in to a Gmail account to access the forms. For ease of reference, a PDF of the forms is attached.
10. In accordance with the provisions of the Protection of Personal Information Act 4 of 2013 ("**POPIA**"), only personal information protected by POPIA may be redacted from the requested records in the Google forms.
11. Furthermore, Toplay does not have a PAIA Manual readily available on its website as required by PAIA. As such, ALRSA requests a copy of Toplay's PAIA Manual.

RIGHT TO BE PROTECTED

12. The poultry industry is South Africa's largest contributor to agriculture, mainly relying on intensive farming methods, including battery cages for layer hens, to increase egg production and profits. These agricultural practices harm animal welfare, cause air pollution, soil pollution, and water pollution, and produce immense waste. They contribute to climate change, including through the release of greenhouse gas emissions from transportation, generators, excretion in cages, habitat loss, and more. Additionally, there is a risk of the spread of animal diseases, exemplified by the 2023 avian influenza outbreak, which can be passed on to humans. Caged-egg production evidently negatively impacts human health and well-being, including vulnerable farm workers, underscoring the need for ecologically sustainable and humane alternatives amid concerns of food security and safety.
13. The environmental right requires protection of "the environment", which encompasses animals, air, land, and water, for the benefit of present and future generations, and includes the protection of animal welfare. It

further demands that the environment be protected by reasonable measures that secure ecologically sustainable development and promote justifiable economic and social development. The right binds both corporations and the state. There can be no doubt that various activities in the egg supply chain undermine the fulfilment of the environmental right.

14. ALRSA, acting in the public interest, requires the records requested to protect the environmental right, among others.
15. The records requested will indicate Toplay's efforts (or lack thereof) to promote, fulfill and protect the right to an environment not harmful to health or well-being and empower the public to make informed decisions on whether Toplay's role in the egg supply chain aligns with reasonable measures that secure ecologically sustainable development and promote justifiable economic and social development. For instance, the records will illustrate whether and to what extent Toplay is transitioning from the production and sale of caged to free range eggs. Your response will be reported on in a forthcoming report, building on the Initial Report.

CONCLUSION

16. We look forward to receiving your response to our request for records within 30 (thirty) days from date hereof (**i.e. no later than 11 January 2024**) as required by PAIA.
17. As a non-profit organisation acting in the public interest, we seek exemption from paying the fees prescribed by PAIA. We further specifically request that the information requested be provided electronically (via uploading documents on the provided Google forms) to reduce costs.
18. We would welcome any further resources or information you think would be helpful, and look forward to engaging with you in a cooperative and transparent manner.
19. Should you have any questions regarding the request, please do not hesitate to contact us. Please address written correspondence via email outreach@animallawreform.org and CC: contact@animallawreform.org.

