

From: [Animal Law Reform South Africa Outreach](#)
To: [REDACTED]
Subject: RE: AFGRI Letter of Response to ALRSA PAIA request
Date: Monday, 13 February 2023 13:53:00
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

Dear [REDACTED]
I trust you are well.

Thank you for your considered reply to our request for access to information. 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, we reserve the right to do so in detail, and in the appropriate forum, should the need arise.

In relation to AFGRI's refusal to provide access to information, we wish to place the following on record, and give AFGRI a further opportunity to be transparent and accountable in the interests of the welfare of chickens in South Africa.

We note your allegation that "AFGRI, and its respective subsidiaries and /or divisions does not breed, slaughter, or sell for consumption animal or poultry products. It therefore is not involved in the farming, slaughtering or sale of poultry or livestock". You further allege that "AFGRI instead supports the agricultural sector by providing those who participate in this industry with certain agricultural products and services, which are provided on a retail and wholesale basis". Given that AFGRI is responsible for supplying "the agricultural community with fuel and oil supplies, farming tools and implements, fertilizers, pest control products, seeds, animal feeds, veterinary products, and work clothing" we find it troubling that you do not view yourselves as forming part of the egg supply chain. These supplies are integral to the egg supply chain.

AFGRI is thus a key role player in the South African egg supply chain. Given that our project relates, among other matters, to advancing cage free commitments and the betterment of chicken welfare more generally, the records requested from one of the primary equipment and feed suppliers in the country are indeed necessary for our project and place AFGRI as involved in the industry. The requested records will, among other things, enable the pursuit of corporate accountability and transparency across the egg supply chain in South Africa.

We note your purported refusal to provide the records requested at paragraph 6.5.2 of our PAIA request on the grounds of s 68 of PAIA. The courts have confirmed, however, that it is not sufficient to refuse access to records merely by quoting a provision in PAIA. This is because the purpose of PAIA is to promote transparency and access, and PAIA is to be interpreted in this light. It is thus necessary for you to indicate and fully justify the basis upon which you allege that s 68 is applicable. We hereby afford AFGRI the opportunity to do so, alternatively to revisit its stance on transparency and provide access. In light of s 70 of PAIA, the duty on AFGRI to justify its reliance on the grounds set out in s 68 is particularly important given that the public interest in food safety and animal welfare, in our view, outweighs any alleged commercial or financial harm on the part of AFGRI. Further this duty is important given that disclosure could reveal substantial contravention of, or failure to comply with, the law.

Should you fail to provide access, alternatively a proper justification for your reliance on s 68 of PAIA, 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 AFGRI, and/or approach the courts.

We also request that you revisit your refusal to provide access to the records requested in paragraph 6.6 of our PAIA request on the basis that there are "no records available". For the reasons set out above, AFGRI undoubtedly has records in its possession related to the supply of feed and equipment in the egg supply chain. Moreover, to the extent that AFGRI seeks to refuse access on the basis that the information does not exist, it is required by s 55 of PAIA to produce an affidavit noting the steps taken to locate the information. No such affidavit has been provided. We hereby request that access, alternatively the requisite affidavit, be provided.

We wish to remind AFGRI of 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."

Kindly respond to this correspondence by no later than **20 February 2023** given that we are currently preparing our public report in which we will rank AFGRI 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.
Kindly confirm receipt of this email.

Kind regards

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



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From: [REDACTED]
Sent: Friday, 09 December 2022 14:48
To: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Cc: [REDACTED]
Subject: Letter of Response to ALRSA PAIA request

Dear Sir

Please see attached correspondence for your attention.

