

From: [Animal Law Reform South Africa Outreach](#)
To: [REDACTED]
Subject: RE: ALRSA - Access to information in terms of PAIA
Date: Monday, 13 February 2023 14:26:00
Attachments: [image001.png](#)
[Confirmation of Appointment Animal Law Reform South Africa \("ALRSA"\) Mr. Cheslyn Craig Ceaser.docx.pdf](#)
[Rocomamas Form 2 - 21 November 2022.pdf](#)

[REDACTED]

We acknowledge receipt of your correspondence dated 21 December 2022 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 21 December 2022, we reserve the right to do so in detail, and in the appropriate forum, should the need arise.

The comments below apply equally to you in your role as information officer of the Spur Group (Pty) Ltd.

As you are no doubt aware, PAIA gives effect to the right to access to information in terms of s 32 of the Constitution. Its constitutionally ordained purpose is to promote transparency, accountability, and ensure effective governance of all bodies in South Africa, including corporations such as Rocomamas and Spur. PAIA is further to be interpreted in a generous and purposive manner. Following this approach, it has been held that information in private hands with a demonstrable and sufficient connection to the exercise or protection of any rights legitimately belongs in the public domain.

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

In relation to your reliance s 53 of PAIA, we vehemently deny that our PAIA request does not meet the mandatory procedural requirements prescribed by PAIA. We have set out our response to your refusal to our request below.

In relation to paragraph 2.1 of your letter, the form completed and submitted by us is, in all material respects, the same as the form contained in PAIA. It contains all information needed for Rocomamas to adopt a transparent and accountable approach to access to information. For the sake of completeness, we attach a completed Form 2. This clarifies the form and manner of access, which was, in any event, set out in our letter of 21 November 2022. We do not believe that we ought to be prejudiced by your dogmatic approach to the requirements of PAIA. Such an approach flies in the face of the spirit and purport of this legislation.

In relation to paragraph 2.2 of your letter, it would sadly appear that Rocomamas does not appreciate that the protection of an environment not harmful to health or wellbeing includes the protection of animal welfare. This is spelt out in our request for access to information, such that we have indeed adequately explained the right we seek to protect. Given that we are emerging from a pandemic caused by human-animal disease transfer, it ought to be self-evident that animal welfare and an environment not harmful to health or wellbeing are intertwined. Further, as a matter of law, the environmental right encompasses the protection of animal welfare. There is a growing body of jurisprudence, including from the Constitutional Court, that confirms that the right to have the environment protected includes the protection of animal welfare. It is thus not the case that Rocomamas is entitled to refuse access to records on the basis that we have not identified or

explained the right that we seek to protect.

Moreover, and in any event, our request seeks to secure ecologically sustainable use of chickens in South Africa and promote only justifiable social and economic development in the poultry sector, taking into account the welfare concerns of chickens.

ALRSA is accordingly entitled to the information requested and your allegation to the contrary is denied. We hereby reiterate our request for the information as contained in our request dated 21 November 2022, refused by Rocomamas on the false premise that we have not complied with s 53 of PAIA.

In relation to paragraph 2.3 of your letter, please see the attached confirmation of my role at ALRSA. It is unclear to us why this information was insisted upon by Rocomamas, as it is quite clear that I am acting on behalf of ALRSA.

We trust that Rocomamas will revisit its approach and look to advance transparency and accountability in relation to the environment and the welfare of chickens, noting 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.”

We look forward to your response to our request in terms of PAIA forthwith. Should you fail to provide access as requested, 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 Rocomamas, and/or approaching the courts.

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 Rocomamas 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. We also await your response to our request in relation to the Spur Group (Pty) Ltd.

Kindly acknowledge receipt of this email.

Kind regards

[Redacted Signature]

Outreach: External Liaison

Animal Law Reform South Africa

outreach@animallawreform.org



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From: [REDACTED]
Sent: Wednesday, 21 December 2022 09:43
To: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Subject: RE: ALRSA - Access to information in terms of PAIA

Dear Sirs

Kindly find attached our response to your request.

Yours faithfully

[REDACTED]



[REDACTED]

From: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Sent: Monday, 21 November 2022 12:31
To: [REDACTED]
[REDACTED]
[REDACTED]
Subject: ALRSA - Access to information in terms of PAIA

Dear [REDACTED]

I trust you are well.

By way of introduction, my name is [REDACTED] I write on behalf of Animal Law Reform South Africa.

Kindly find attached a request for access to information in terms of the Promotion of Access to Information Act 2 of 2000, as well as a covering letter with more information in respect thereof.

You may have received an email from me on Friday, 18 November 2022. Unfortunately, there was an error in the attachment to that email. It was therefore recalled. We now enclose the correct attachments and apologize for any inconvenience caused.

We look forward to receiving your response to this email within 30 days of the date hereof (i.e., by no later than **23 December 2022**).

Kindly acknowledge receipt hereof.

Kind regards,

[REDACTED]

Outreach: External Liaison

Animal Law Reform South Africa

outreach@animallawreform.org



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