

From: [Animal Law Reform South Africa Outreach](#)
To: [REDACTED]
Subject: RE: AFGRI / ALRSA Letter of Response to ALRSA PAIA request
Date: Tuesday, 25 April 2023 14:19:00
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Dear [REDACTED]

Thank you for your response to our request for an affidavit in terms of your refusal to grant access to information in terms of s 55 of PAIA. 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 particular, we do not agree with your interpretation of section 70 of PAIA. In any event, we do not believe that AFGRI has demonstrated any harm would be suffered as a result of adopting a transparent approach in relation to the information requested.

According to the affidavit submitted to us, you “considered the activities and objectives pursued by AFGRI, and its various divisions and subsidiaries and in this regard was unable to locate or find any of the requested records largely due to the fact that AFGRI does not farm livestock or poultry, nor is it involved in the egg supply chain”. This fails to comply with the requirements set out in terms of s 55 of PAIA. Section 55 (2) states:

“The affidavit or affirmation, referred to in subsection (1) must give a full account of **all steps taken to find the record** in question or to determine whether the records exist, as the case may be, **including all communication with every person who conducted the search on behalf of the head**”(emphasis added).

As such, we do not accept this affidavit as meeting the requirements of s 55 of PAIA. We further give you notice that your inaccurate claim that AFGRI is not involved in the egg supply chain, will be noted in our public report.

Kindly acknowledge receipt of this email.

Kind regards

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



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From: [REDACTED]
Sent: Tuesday, February 28, 2023 11:09 AM
To: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Cc: [REDACTED]
Subject: RE: AFGRI / ALRSA Letter of Response to ALRSA PAIA request

Dear Sir

Please see attached.

Regards

From: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Sent: Tuesday, 21 February 2023 2:47 PM

To: [REDACTED]
[REDACTED]
[REDACTED]
Subject: [EXTERNAL] RE: AFGRI / ALRSA Letter of Response to ALRSA PAIA request

[REDACTED]

We acknowledge receipt of your correspondence dated 17 February 2023. We reserve our rights to respond to you in due course. For present purposes, we wish to request that you furnish the affidavits tendered in paragraph 1.3.13 of your correspondence, as required by section 55 of PAIA. We look forward to receiving these by no later than **28 February 2023**.

Kindly acknowledge 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, 17 February 2023 16:37
To: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Cc: [REDACTED]
Subject: RE: AFGRI Letter of Response to ALRSA PAIA request

Dear Sir

Your e-mail below refers.

Please see attached correspondence.

Kind Regards

[REDACTED]

From: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Sent: Monday, 13 February 2023 1:54 PM
To: [REDACTED]
[REDACTED]
[REDACTED]
Subject: [EXTERNAL] RE: AFGRI Letter of Response to ALRSA PAIA request

[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

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.



