

**From:** [Animal Law Reform South Africa Outreach](#)  
**To:** [REDACTED]  
**Subject:** RE: ALRSA - Access to information in terms of PAIA  
**Date:** Wednesday, 08 February 2023 14:34:00  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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[REDACTED]

I trust you are well.

1. We acknowledge receipt of your comments in respect of our PAIA request dated 21 November 2022. We further acknowledge receipt of the literature and technical data in relation to the pullet rearing and layer hen cages distributed by Big Dutchman South Africa ('BDSA'). We have now had an opportunity to take legal advice in respect of your comments.
2. Regrettably, for the reasons that follow, your comments and the attachments provided to us do not comply with PAIA.
  - 2.1 While BDSA may be a subsidiary of Big Dutchman AG, Germany, this does absolve BDSA from complying with its legal obligations under South African law. Such obligations include the duty to disclose information upon request in terms of [the Promotion of Access to Information Act 2 of 2000 \(PAIA\)](#).
  - 2.2 PAIA gives effect to the constitutional right to access to information in terms of s 32 of the Constitution. The purpose of PAIA is to promote transparency and access. PAIA is to be interpreted in a generous and purposive manner.
  - 2.3 The courts have thus confirmed that disclosure of information is the default in respect of a PAIA request, and exemption from disclosure is to be fully justified. Where information is not provided, a ground of refusal in PAIA must be relied upon (with proper substantiation), or, if information does not exist or cannot be located, this must be explicitly indicated in an affidavit setting out the steps taken to locate the information.
4. Our request for records 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 of chickens.
5. BDSA's bears a duty as a key stakeholder in the egg industry to advance animal welfare and the environmental right more generally, based on the impact of intensive animal agriculture on the environment.
3. As such, we request a full response to our requests in paragraph 6.1 to 6.11 of our letter dated 21 November 2022.
4. We further wish to clarify, given that BDSA is a distributor rather than a manufacturer of cages, that we have requested records relating to the **number** of cages and egg production systems supplied to any stakeholder in the egg supply-chain in South Africa. This would include the details of the entities/persons to whom BDSA supplies. We look forward to receiving this information, which has not been provided.
5. Lastly, we note the reference in your comments to the "requirements of the SAPA Code of Conduct". We presume you are referring to the [SAPA Code of Practice June 2022](#). We would

appreciate you advising us of the manner in which BDSA informs its customers as to these requirements. Further, what steps, if any, does BDSA take to ensure compliance with the aforementioned requirements by their customers?

6. We look forward to receiving a response to our PAIA request that is compliant with PAIA so as to advance transparency and accountability in relation to the environment, 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."

Kindly respond by no later than **15 February 2023**. In our forthcoming public report, BDSA's ranking will be informed by your response to this correspondence, as well as the records already provided.

Kindly acknowledge receipt of this email.

Kind regards

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



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**From:** [REDACTED]  
**Sent:** Wednesday, 21 December 2022 11:08  
**To:** Animal Law Reform South Africa Outreach <[outreach@animallawreform.org](mailto:outreach@animallawreform.org)>  
**Subject:** RE: ALRSA - Access to information in terms of PAIA

[REDACTED],

We acknowledge receipt of your mail and hereby wish to comment as follows :

1. Big Dutchman South Africa are a subsidiary of Big Dutchman AG in Germany and offer imported production equipment to the broiler and egg industry in Sub-Saharan Africa.
2. Big Dutchman SA are simply distributors of the equipment and do not manufacture the equipment on offer.
3. BDSA supply a range of pullet rearing cages, as per attached literature and technical data, and inform the SA customers as to the requirements in terms of the SAPA Code of Conduct.
4. BDSA also supply a range of laying cages, as per attached literature and technical data, and inform the SA customers as to the requirements in terms of the SAPA Code of

Conduct.

5. The cage system design allow for the customer to meet SAPA regulations in terms of the floor and feed space per bird.

We confirm that the majority (approx. 90-95%) of our customers produce pullets and eggs in our cages, with free range and barn eggs making up the balance, i.e. birds on the floor with feeding, drinking and nest boxes.

Hope this clarifies in terms of your request.



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**From:** Animal Law Reform South Africa Outreach [<mailto:outreach@animallawreform.org>]

**Sent:** Friday, 09 December 2022 17:46

**To:** [REDACTED]

[REDACTED]

**Subject:** (Archive Copy) RE: ALRSA - Access to information in terms of PAIA

[REDACTED]

Thank you for your email. We note your view that your involvement in our project 'is unnecessary'. We disagree. We have thus exercised our constitutionally protected right to access to information of a private body and delivered the necessary form in terms of the Promotion of Access to Information Act 2 of 2000 (PAIA) to Big Dutchman on **21 November 2022**. Under the circumstances, Big Dutchman has a legal obligation to provide access to the information, given that the information is required for the protection of the environmental right, as set out in our previous correspondence.

To clarify our position, Big Dutchman is a supplier of cages and other equipment to egg producers in the egg supply chain. Big Dutchman 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 chicken welfare more generally, the records requested from one of the primary cage and equipment suppliers in the country are indeed necessary for our project. They will, among other things, enable the pursuit of corporate accountability and transparency in the egg supply chain in South Africa.

We accordingly look forward to receiving the records requested by no later than **23 December 2022** as required by PAIA.

Kindly acknowledge receipt of this email.

Yours sincerely,

[REDACTED]

**Outreach: External Liaison**  
Animal Law Reform South Africa  
[outreach@animallawreform.org](mailto:outreach@animallawreform.org)



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**From:** [REDACTED]  
**Sent:** Tuesday, 06 December 2022 14:04  
**To:** Animal Law Reform South Africa Outreach <[outreach@animallawreform.org](mailto:outreach@animallawreform.org)>  
**Cc:** [REDACTED]  
[REDACTED] >  
**Subject:** RE: ALRSA - Access to information in terms of PAIA

Good afternoon [REDACTED]

Please note that Big Dutchman is purely a supplier of equipment to the poultry and pig industries, and are not involved with physical livestock whatsoever and do not instruct our customers as to the manner in which their livestock is to be kept. We therefore believe that our involvement in this is unnecessary.

We trust that this clarifies our position, but should any further information be required, please do not hesitate to contact us.

[REDACTED]

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**From:** Animal Law Reform South Africa Outreach [<mailto:outreach@animallawreform.org>]  
**Sent:** Monday, 05 December 2022 14:30  
**To:** [REDACTED]  
[REDACTED]

**Subject:** RE: ALRSA - Access to information in terms of PAIA

[REDACTED]

I trust you are well.

This email concerns the request for access to information in terms of the Promotion of Access to Information Act 2 of 2000 ("**PAIA**") delivered to Big Dutchman on behalf of Animal Law Reform South Africa on **21 November 2022**. We are reaching out to ask that you acknowledge receipt of our PAIA request. We further look forward to your response to our PAIA request within the prescribed 30-day period (i.e., by no later than **23 December 2022**). As previously indicated, Big Dutchman has a legal obligation to respond to our PAIA request within the prescribed period, and failure to do so is a contravention PAIA.

Kindly acknowledge receipt of this email.

Yours sincerely,

[REDACTED]

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**Outreach: External Liaison**  
Animal Law Reform South Africa  
[outreach@animallawreform.org](mailto:outreach@animallawreform.org)



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**From:** Animal Law Reform South Africa Outreach

**Sent:** Monday, 21 November 2022 17:29

**To:** [REDACTED]  
[REDACTED]  
[REDACTED]

**Subject:** ALRSA - Access to information in terms of PAIA

[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.

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

Kindly acknowledge receipt hereof.

Kind regards,

[Redacted Signature]

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**Outreach: External Liaison**

Animal Law Reform South Africa

[outreach@animallawreform.org](mailto:outreach@animallawreform.org)



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