

From:



Subject:

RE: Hilton Hotels / ALRSA - Access to information in terms of PAIA

Date:

Tuesday, 14 March 2023 16:55:00

Attachments:

[image001.png](#)

Dear 

Thank you for your correspondence. We reserve our rights to respond fully, in due course, and in the appropriate forum, should the need arise.

For present purposes, we place on record that Hilton's view that it has limited influence on animal welfare in South Africa is denied. In respect of the suppliers of eggs for the hotels located in South Africa, Hilton has significant influence. As Martin Luther King stated, 'our lives begin to end the day we become silent about things that matter'. The treatment of the chickens by your suppliers matters. And Hilton's ability to exercise oversight over that treatment matters too. Further and in any event, Hilton's ESG policy requires oversight in pursuit of animal welfare.

We appreciate that you are working with your supplier and that your team will provide us with the affidavit required in terms of PAIA. However, your response to our PAIA request is now long overdue. Given that in relation to much of our PAIA request you need only engage with one supplier, we do not imagine that this is a particularly time consuming exercise. Further, there is no basis in law to withhold the name of your supplier, and we would appreciate being provided with this information. Bald claims of confidentiality do not warrant refusal of access to information in terms of PAIA.

We are finalising our public report in respect of our engagements with key role players in the egg supply chain, and trust that you will be in a position to provide us with the requested information by no later than **22 March 2023**.

Kindly acknowledge receipt of this email.

Kind regards



Outreach: External Liaison

Animal Law Reform South Africa

outreach@animallawreform.org



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From:



Sent: Wednesday, 01 March 2023 03:11

To: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>

[REDACTED]

Subject: RE: Hilton Hotels / ALRSA - Access to information in terms of PAIA

Hi [REDACTED]

Thank you for following up. This note confirms receipt of your February 22, 2023 correspondence.

As Hilton's discussions and agreements with its suppliers and partners are confidential, Hilton is actively working to inform its suppliers of your request and will provide available information to ALRSA in accordance with the timing requirements outlined in the Promotion of Access to Information Act 2 of 2000 ("PAIA").

As you are aware, Hilton's business model is supported by a strong franchise network of independently owned and operated properties. As a result, Hilton has direct management and operational control over a small percentage of Hilton-branded hotels around the world. Of Hilton's more than 7,000 properties worldwide, four are located within South Africa and only two are within our managed and leased portfolio of hotels. For those two properties, the relevant egg products are sourced by one supplier.

Given our small direct footprint in the region, while we are able and willing to respond to your request under PAIA, there are clear and specific limitations to Hilton's influence and scope on this issue in South Africa.

As previously shared, each of Hilton's suppliers is required to review and acknowledge Hilton's Responsible Sourcing Policy prior to moving forward with a contracted engagement or agreement. Hilton has developed and piloted in the United States an ESG due diligence program to encourage vendors to meet Hilton's standards and maintain those standards during the contract term. This can include, but is not limited to, reviewing the supplier's ESG efforts and requiring adherence to the Hilton Responsible Sourcing Policy.

Regarding the requested affidavit, the team acknowledges your request and is actively working to fulfill the requirements under PAIA. We will aim to respond with the requested affidavit in the coming days.

Best,

[REDACTED]

From: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>

Sent: Tuesday, February 21, 2023 7:02 AM

To: [REDACTED]

[REDACTED]

[REDACTED]

Subject: RE: Hilton Hotels / ALRSA - Access to information in terms of PAIA

[REDACTED]

I trust you are well.

We acknowledge receipt of your correspondence dated 10 February 2023 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 10 February 2023, we reserve the right to do so in detail, and in the appropriate forum, should the need arise.

In relation to the grounds of refusal to provide access to information relied upon by Hilton, we wish to place the following on record, and give Hilton a further opportunity to be transparent and accountable in the interests of the welfare of chickens in South Africa.

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 Hilton. 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.

The contents of paragraph 2 of your letter amount to a refusal on the part of Hilton to grant access to the requested information in terms of s 55 of PAIA. This refusal does not meet the requirements as contemplated in terms of section 55 of PAIA, however. To the extent that Hilton claims that information is not in its possession, it is incumbent upon Hilton to provide, in terms of s 55 of PAIA, an affidavit detailing the steps taken by you to locate the information, and to clarify precisely which information is not in its possession. You have not done so. We accordingly request access, alternatively the requisite affidavit. In particular, we find it problematic that whilst Hilton holds itself out as having a Responsible Sourcing Policy, it takes no steps whatsoever to enforce this policy so as to hold its suppliers to account. Kindly confirm, on affidavit, that this is the case.

Furthermore, we wish to highlight that Hilton has not complied with its obligations in terms of section 71 of PAIA in respect of the information requested. In particular, there is no indication that Hilton has informed its suppliers of our request, nor sought their consent to disclose the information we requested.

We trust that Hilton will adjust its approach 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.”

Should you fail to do so, 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 Hilton, and/or approaching the courts.

Kindly respond to this correspondence by no later than **28 February 2023** given that we are currently preparing our public report in which we will rank Hilton 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 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: Friday, 10 February 2023 17:59
To: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Cc: [REDACTED]
Subject: RE: ALRSA - Access to information in terms of PAIA

[REDACTED],

Thank you for the clarification. Please see the attached response to your inquiries received by Hilton.

Yours Sincerely,

From: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Sent: Wednesday, February 8, 2023 10:31 AM
To: [REDACTED]
Subject: RE: ALRSA - Access to information in terms of PAIA

Dear [REDACTED]

I trust you are well.

Thank you for acknowledging receipt of our email and request for information dated 31 January 2023.

To clarify, our **first** request for access to information in terms of PAIA dated **21 November 2022** was due by you no later than **23rd December 2022**. We subsequently provided you an extension until **10 February 2023** in order to respond to this first request.

Our **second** request for access to information as contained below, dated **31 January 2023** is due by you by no later than **03 March 2023**.

I trust this provides clarity regarding our requests.

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: Monday, 06 February 2023 19:18
To: [REDACTED]
[REDACTED]
[REDACTED]
Subject: RE: ALRSA - Access to information in terms of PAIA

[REDACTED],

Acknowledging receipt. Could you please confirm you are providing Hilton until **3 March 2023** to formerly respond to this email? There is also mention of 10 February 2023.

Thank you,

[REDACTED]

From: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Sent: Tuesday, January 31, 2023 7:08 AM
To: [REDACTED]
[REDACTED]
[REDACTED]
Subject: RE: ALRSA - Access to information in terms of PAIA

Good day

I trust you are well.

Thank you for your letter in response to our request for access to information in terms of PAIA dated 21 November 2022.

We further acknowledge receipt of Hilton's Animal Welfare Statement, Responsible Sourcing Policy and Cage-Free Sourcing Progress.

We note that you "do not believe that [you] have an obligation to provide the information requested under the PAIA". Your belief is not, however, aligned with the legal position relating to access to information in South Africa, for the reasons that follow.

We, as ALRSA, have the legal right to access to the requested records as we have complied with the requirements set out in terms of section 50 of PAIA. The courts have confirmed that upon compliance with the aforementioned section, the requester must be granted access in respect of requested records unless the private body invokes section 55 or one or more of sections 62 to 70 of PAIA. You have not done so.

Furthermore, in our constitutional dispensation it has been confirmed by the courts that PAIA is to be interpreted on the basis 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. This is because PAIA is intended to prompt transparency, accountability and ensure effective governance of all bodies in South Africa. Hilton is not exempt from these legal obligations. As the Supreme Court of Appeal has noted:

"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 accordingly look forward to a proper response to our requests as required by PAIA. Your response was due by no later than **23 December 2022**. However, in order to allow you to do justice to our request and given that we have taken some time to obtain advice about it, we are prepared to afford you until **10 February 2023** to do so, failing which we will regard you as having refused the request and invoke our legal rights against Hilton, including but not limited a complaint to the Information Regulator. Your failure to comply with PAIA will also influence your ranking in our forthcoming public report on the egg industry.

Separately, we note from your letter that "all Hilton suppliers are required to observe and abide by Hilton's Responsible Sourcing Policy, which is included in all supplier contracts". Hilton's Responsible Sourcing Policy Statement states: "Hilton reserves the right to appoint independent third parties or itself to conduct unannounced assessments, audits and inspections of Suppliers and their facilities to ensure that appropriate efforts are being taken to operate in a manner consistent with the fundamental principles of this Policy."

As such, we attach a second PAIA request in respect of records relating to any and all assessments, audits, and inspections of suppliers of eggs, and products containing eggs or egg by-products, conducted during the period of 1 November 2018 to 30 November 2022 by Hilton or any third parties to give effect to the Responsible Sourcing Policy.

We look forward to receiving your response to this second PAIA request within 30 days of the date hereof (i.e., by no later than **3 March 2023**).

Kindly acknowledge receipt of this email.

Yours sincerely,

[REDACTED]

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



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From: [REDACTED]
Sent: Wednesday, 21 December 2022 22:54
To: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Subject: RE: ALRSA - Access to information in terms of PAIA

[REDACTED]

Thank you again for reaching out. Please see the attached response to your inquiries received by Hilton on 21 November 2022.

Yours Sincerely,

[REDACTED]

From: [REDACTED]
Sent: Thursday, December 8, 2022 8:04 AM
To: [REDACTED]
Subject: RE: ALRSA - Access to information in terms of PAIA

[REDACTED],

Acknowledging email receipt of the Animal Law Reform South Africa's PAIA request. Our team is reviewing the request and will provide response within the given timeframe.

Thank you,
Responsible Sourcing & Sustainability Team

From: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>
Sent: Monday, December 5, 2022 7:34 AM

To: [REDACTED]

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

Dear Information Officer

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 Hilton Hotels 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, Hilton Hotels 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]

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



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From: Animal Law Reform South Africa Outreach

Sent: Monday, 21 November 2022 18:52

To: [REDACTED]

Subject: ALRSA - Access to information in terms of PAIA

Dear Information Officer,

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]

Outreach: External Liaison

Animal Law Reform South Africa

outreach@animallawreform.org



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