

**From:** [Animal Law Reform South Africa Outreach](#)  
**To:** [REDACTED]  
**Subject:** RE: Quantum Foods / ALRSA PAIA - [REDACTED] shared the folder "ALRSA Response 19 January 2023" with you.  
**Date:** Tuesday, 21 February 2023 14:25:00  
**Attachments:** [image003.png](#)  
[image009.png](#)  
[image011.png](#)  
[image012.png](#)  
[image013.png](#)  
[image014.png](#)  
[image015.png](#)

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[REDACTED]

We acknowledge receipt of your correspondence dated 15 February 2023.

We do not intend to litigate by way of correspondence and reserve our rights in relation to the false allegations contained in your correspondence of 15 February 2023.

At this stage, we wish to simply record that the environmental right and its application insofar as it relates to animal welfare protects **all** animals as defined in terms of legislation including the Animal Protection Act 71 of 1962 and Performing Animal Protection Act 24 of 1935.

We further give you notice that your patently flawed claims concerning the environmental right, and animal law in general, will be recorded in our public report.

Kind regards  
[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:** [REDACTED]  
**Sent:** Wednesday, 15 February 2023 16:27  
**To:** [REDACTED]  
[REDACTED]  
[REDACTED]  
**Subject:** RE: Quantum Foods PAIA - [REDACTED] shared the folder "ALRSA Response 19 January 2023" with you.

Kindly find attached hereto a letter in respect of your correspondence below.

Kind regards



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

**Sent:** 10 February 2023 11:29 am

**To:** [redacted]

**Subject:** RE: Quantum Foods PAIA - [redacted] shared the folder "ALRSA Response 19 January 2023" with you.

I trust you are well.

We acknowledge receipt of your correspondence dated 19 January 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 19 January 2023, we reserve the right to do so in detail, and in the appropriate forum, should the need arise.

In relation to Quantum Food's refusal to provide access to information, we wish to place the following on record, and give Quantum Foods 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 constitutional 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 Quantum Foods. 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 your allegations regarding s 53(2)(d) of PAIA, we are dismayed with Quantum Food's failure to appreciate that the protection of an environment not harmful to health or wellbeing includes the protection of animal welfare. 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, it is quite simply not correct that the environmental right does not encompass 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 Quantum Foods 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 listed in paragraphs [6.2.1.1](#), [6.2.1.8](#), [6.2.1.10](#), and 6.2.2, refused by Quantum Foods on the false premise that we have not complied with s 53 of PAIA.

We note your purported refusal to provide the records requested at paragraph 6.4; 6.5.4 to 6.5.6; 6.6 and 6.8 of our PAIA request on the grounds of s 68(1)(b) of PAIA. The courts have confirmed that it is not sufficient to refuse access to records merely by quoting a provision in PAIA. This is because, as set out above, 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 the basis upon which you allege harm will be caused to the commercial or financial interests of the relevant body. We hereby afford Quantum Foods the opportunity to do so, alternatively to revisit its stance on transparency and provide access.

Furthermore, we note your purported refusal to provide the records requested at paragraphs 6.5.1 to 6.5.3 on the grounds of s 68(1)(c) of PAIA. Again, given that it is not sufficient to simply quote a provision when refusing access to information, we hereby afford Quantum Foods the opportunity to disclose the basis upon which you allege that the disclosure of the information would "put the private body at a disadvantage in contractual or other negotiations" or "prejudice the private body in commercial competition". In light of s 70 of PAIA, the duty on Quantum Foods to justify its reliance on the ground of refusal is particularly important where the public interest in food safety and animal welfare, in our view, outweighs any alleged commercial or financial harm on the part of Quantum Foods. Further this duty is important given that disclosure could reveal substantial contravention of, or failure to comply with, the law.

We trust that Quantum Foods will revisit its refusal to provide access to records requested in terms of 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."

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 Quantum Foods, and/or approach the courts.

Kindly respond to this correspondence by no later than **15 February 2023** given that we are currently preparing our public report in which we will rank Quantum Foods 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](mailto:outreach@animallawreform.org)



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From: [REDACTED]  
Sent: Thursday, 19 January 2023 17:42  
To: [REDACTED]  
[REDACTED]  
[REDACTED] >  
Subject: RE: [REDACTED] shared the folder "ALRA Response 19 January 2023" with you.

Good day,

Further to the below, kindly confirm receipt and access to below by replying to this email, thank you.

[REDACTED]



[REDACTED]

[REDACTED]



From: [REDACTED]

Sent: 19 January 2023 5:34 pm

To: [REDACTED]

Subject: [REDACTED] the folder "ALRA Response 19 January 2023" with you.



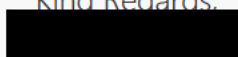
shared a folder with you

Good day all,

Pursuant to our letter dated 12 December 2022, kindly access our response to your PAIA request on this link.

We trust that all is in order.

Kind Regards,



[ALRA Response 19 January 2023](#)



This link only works for the direct recipients of this message.

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