

Attention: [REDACTED]

**Animal Law Reform South Africa NPC**

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

**19 January 2023**

Dear Sir

**RESPONSE TO REQUEST FOR ACCESS TO RECORDS IN TERMS OF THE  
PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA") FROM ANIMAL  
LAW REFORM SOUTH AFRICA NPC**

1. We refer to the request in terms of PAIA submitted to Quantum Foods Proprietary Limited ("**Quantum Foods**"), dated 16 November 2022, by Animal Law Reform South Africa ("**ALRSA**") for the information specified in paragraph 6 of your letter ("**your request**"); and our letter of 12 December 2022, in which we informed you of Quantum Foods' extension of the period within which it is required to determine whether your request is to be granted or refused by a further 30 days until 19 January 2023.
2. At the outset, we wish to point out that the right on which ALRSA relies in requesting access to Quantum Foods' records in terms of section 53(1) of PAIA, namely the environmental right in section 24 of the Constitution of the Republic of South Africa, 1996, does not directly encompass animal welfare. ALRSA has thus failed to identify an applicable right that it is seeking to exercise or protect as required by section 53(2)(d) of PAIA, and is thus not entitled to the requested information. That being said, Quantum Foods has decided to grant access to certain of the information requested as a gesture of good faith and in the interest of transparency. Please note that where access has been granted to records and information, this is done with a full reservation of Quantum Foods' rights.

3. Given the sheer volume of documents requested, we have compiled an excel spreadsheet, together with an index containing details of the records or information in respect of which: (i) access is granted; (ii) access is refused, and the grounds or reasons for such refusal; and (ii) are not available or do not exist. The (i) index and bundle of disclosed documents, and (ii) excel spreadsheet are attached to this letter marked **Annexure "A"** and **Annexure "B"**, respectively.
4. In respect of records which cannot be found or do not exist, we have provided an affidavit of Quantum Foods' Information Officer and the necessary confirmatory affidavits in terms of section 55 of PAIA, which explain the steps taken to find such records and our grounds for believing that such records do not exist. The affidavits are attached to this letter as **Annexure "C"**.
5. Where Quantum Foods has refused access to records, the grounds and reasons for doing so are principally as follows:
  - 5.1 the requester's explanation of why the requested record is required for the exercise or protection of its right, as is required by 53(1)(d) of PAIA, is inadequate;
  - 5.2 the record contains financial, commercial, scientific or technical information, other than trade secrets, of the private body, the disclosure of which would be likely to cause harm to the commercial or financial interests of the body and access is denied on the basis of section 68(1)(b) of PAIA; and
  - 5.3 the record contains information, the disclosure of which could reasonably be expected (i) to put the private body at a disadvantage in contractual or other negotiations; or (ii) to prejudice the body in commercial competition and access is denied on the basis of section 68(1)(c) of PAIA.

6. While an access fee is payable in terms of section 54(6) of PAIA, Quantum Foods is prepared to waive the fee regarding the information referred to herein.
7. Please note that you are entitled to lodge:
  - 7.1 a written complaint to the Information Regulator against the decision to refuse certain records and information in terms of section 77A of PAIA. The complaint must be lodged in writing within 180 days from the date of this letter.
  - 7.2 *alternatively*, may lodge an application with a court against the refusal of access to certain of the records. In terms of section 78(2) of PAIA, such application must be made within 180 days from the date of this letter.
8. We trust that the above is in order.



