

Animal Law Reform South Africa NPC

Per email: outreach@animallawreform.org

15 February 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 –
 - 1.1 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**");
 - 1.2 our letter in response to your request, dated 19 January 2023 ("**our response**"); and
 - 1.3 your subsequent email to Quantum Foods, dated 10 February 2023 ("**your email**").
2. We stand by the statements in paragraph 2 of our response in relation to ALRSA's failure to identify an applicable right that it is seeking to exercise or protect as required by section 53(2)(d) of PAIA. The environmental right in section 24 of the Constitution of the Republic of South Africa, 1996, is anthropocentric in nature. The jurisprudence that you allude to in your email all concern the protection of wild animals in terms of biodiversity legislation. To date, the courts have not extended the interpretation of the right to include the interests of poultry farmed for human consumption. Notwithstanding the

legal position, Quantum Foods remains committed to the standards for the wellbeing of poultry set by the industry associations of which it is a member.

3. We are of the view that we responded to your request adequately. In fact, Quantum Foods provided access in good faith to a large portion of the information you requested, despite its stance that ALRSA is not entitled thereto in terms of PAIA.
4. With reference to ALRSA's assertion that Quantum Foods has not expanded sufficiently on its grounds of refusal in terms of sections 68(1)(b) and 68(1)(c) of PAIA, we point out that our reasons for refusing access on these grounds are self-explanatory and do not require further elucidation.
5. In addition, ALRSA's reliance on section 70 of PAIA is misplaced. ALRSA has not established, nor does it have any reason to believe, that the disclosure of the records would reveal evidence of a substantial contravention of, or failure to comply with, the law; or imminent and serious public safety or environmental risk. In the same vein, in the absence of a factual basis for asserting that the public interest in the disclosure of the record outweighs the commercial or financial harm on the part of Quantum Foods, section 70 cannot be utilised to argue that ALRSA is entitled to Quantum Foods' records.
6. If ALRSA is not satisfied with the above, it is encouraged to exhaust the remedies available to it, as referred to in paragraph 7 of our response.

