



Louise van Zyl <louise@swartlandwestcoastspca.co.za>

Re: WC SPCA: Request for complainant details

1 message

jaco kotze <jacokotzelangebaan@gmail.com>

Thu, Oct 17, 2024 at 11:15 AM

To: Carina Bodenstein <carina@swartlandwestcoastspca.co.za>

Cc: Louise van Zyl <louise@swartlandwestcoastspca.co.za>

Good day Carina.

Thank you for your prompt response. I will further the matter for legal opinion to establish which route to follow.

I am sure that in certain circumstances confidentiality and a trust relationship is important, but it has its limits in terms of protection against continuous harassment such as I had to endure using Law-enforcement and other agencies such as the SPCA to constantly address matters such as for example "the sheep's wool is too long or thick".

I want to state my case in no unclear terms that I appreciate the work the SPCA do and that I support your generous efforts to protect those who do not have a voice, but I had to caution such institutions to not step into the trap of becoming a "tool to give stick".

This had now been the 5th or 6th attempt in just under or over a year.

Yours faithfully,

Jaco Kotze

On Thu, 17 Oct 2024, 10:20 Carina Bodenstein, <carina@swartlandwestcoastspca.co.za> wrote:

Dear Mr Kotze,

I trust this email finds you well.

In light of our earlier conversation, I have also discussed your request with my Manager, Inspector Louise van Zyl, whom I have also copied into this mail.

I trust the below will provide some clarity.

The SPCA is not permitted to divulge the details of whistle-blowers. Whistle-blowers are protected by law and the SPCA relies on whistle-blowers to report any incidents of animal cruelty. Further to this, the SPCA is prohibited in terms of the Society for the Prevention of Cruelty to Animals Act 169 of 1993 and by the Protection of Personal Information Act 4 of 2013 to divulge any such information.

We also draw your attention to the matter between the South African Pork Producers Organisation v National Council of Societies for the Prevention of Cruelty to Animals (26060/2014) [2014] whereby this very matter of divulging the details of whistle-blowers and the legal obligation on the SPCA to protect the confidentiality of whistle-blowers was argued. The High Court ruled in favour of the NSPCA and the case was dismissed with costs. The matter was later taken on review in the Supreme Court of Appeals and there too the matter was dismissed with costs. For this reason, we have a legal obligation to protect whistle-blowers.

However, you are welcome to follow the process in terms of the Promotion of Access to Information Act 2 of 2000. Alternatively, you are welcome to approach the Western Cape High Court for such an order, which the SPCA will vigorously defend.

As stated above, the SPCA relies on whistle-blowers to report any incidents of animal cruelty. Without whistle-blowers, we will not be able to assist animals in need.

You can follow the below link that will take you directly to the referred court case, as mentioned above.

<https://www.saflii.org/za/cases/ZAGPPHC/2014/877.html>

Kind regards,

Carina Bodenstein
Inspector
Swartland & West Coast SPCA