



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 30, 1997

Ms. Kimberly L. Kiplin
Acting Executive Director
Texas Lottery Commission
P.O. Box 16630
Austin, Texas 78761-6630

OR97-1494

Dear Ms. Kiplin:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 106486.

The Lottery Commission (the "commission") received a request for information relating to GTECH Corporation ("GTECH"). Specifically, the requestor seeks "any and all contracts supplied to the Texas Lottery Commission by GTECH, including but not limited to, contracts between GTECH and outside contractors, contracts between GTECH and outside consultants and contracts between GTECH and lobbyists or lobbyists' organizations." You have released some of the requested information and ask whether the remaining information is excepted from disclosure under sections 552.101, 552.104, and 552.110 of the Government Code.

Pursuant to section 552.305, we notified GTECH to give them the opportunity to explain whether the requested information should be released. *See* Gov't Code § 552.305; Open Records Decision No. 542-(1990). GTECH responded to our notification by asserting that the requested information is protected under sections 552.101, 552.104, and 552.110 of the Government Code.

GTECH asserts that the requested information is excepted from required public disclosure pursuant to section 552.110 of the Government Code. Section 552.110 excepts from disclosure two types of information: (1) trade secrets, and (2) commercial or financial information that is obtained from a person and made privileged or confidential by statute or judicial decision. *See* Open Records Decision Nos. 639 (1996) (commercial or financial information); 552 (1990) (trade secret). We have considered GTECH's arguments for withholding the information and conclude that the requested information does not constitute trade secrets or commercial or financial information the release of which will cause substantial harm to GTECH's competitive position. Therefore, the requested information is not excepted from disclosure under section 552.110.

GTECH also contends that section 552.104 excepts the information from required public disclosure. Section 552.104 excepts information that, if released, would give advantage to a competitor or bidder. The purpose of this exception is to protect the interests of a governmental body in competitive bidding situations. See Open Records Decision No. 592 (1991). Section 552.104 is not designed to protect the interests of private parties that submit information to a governmental body. *Id.* at 8-9. Therefore, this exception will not protect the requested information from disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Sandra L. Coaxum, C.P.A.
Chief, Open Records Division

SLC/LRD/rho

Ref.: ID# 106486

Enclosures: Submitted documents

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