



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 17, 1998

Ms. Linda Cloud
Executive Director
Texas Lottery Commission
P.O. Box 16630
Austin, Texas 78761-6630

OR98-2213

Dear Ms. Cloud:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 119467.

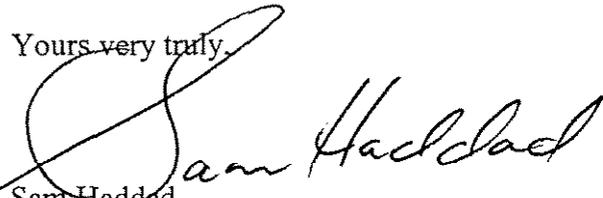
The Texas Lottery Commission (the "commission") received several requests for information held by the commission concerning "the terms of the out-of-court settlement" between GTECH Corporation ("GTECH") and "former lottery director Nora Linares." You have submitted a responsive document, the Release and Settlement Agreement (the "agreement"), to this office for review. You state that "GTECH has notified the Commission that it wishes to assert . . . that the information is confidential by law pursuant to Sections 552.101, 552.104 and 552.110," of the Government Code. Therefore, the commission has declined to release the responsive information, stamped confidential, for the purpose of requesting an attorney general decision under section 552.305(a) of the Government Code.¹

Pursuant to section 552.305, we notified all interested parties 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). Counsel for Ms. Linares has advised our office that "Nora Alicia Linares takes no position on the pending Open records Request." Also, in response to our notification, GTECH's counsel has stated that "[a]fter further consideration of this matter, GTECH has decided to withdraw its claims of non-disclosure and exemption under the Texas Open Records Act concerning the settlement agreement between GTECH and Ms. Nora Linares." Therefore, under these circumstances,

¹We note that information is not confidential under the Open Records Act simply because the party submitting it to a governmental body anticipates or requests that it be kept confidential. Open Records Decision No. 479 (1987).

we do not believe that the requested information may be withheld under section 552.101, 552.104 or 552.110 of the Government Code.²

In conclusion, the commission must release the requested information to the requestors. 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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

Sam Haddad
Assistant Attorney General
Open Records Division

SH/mjc

Ref.: ID# 119467

Enclosures: Submitted document

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²Corporations do not have a protected common-law privacy interest in financial information. Open Records Decision Nos. 620 (1993), 192 (1978).

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