



May 27, 1999

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

OR99-1479

Dear Ms. Cloud:

You ask this office to reconsider its ruling in Open Records Letter No. 99-0564 (1999). Your request for reconsideration was assigned ID# 124448.

The Texas Lottery Commission (the "commission") received a request for, among other things, "all audits prepared by outside auditors concerning G-Tech." Open Records Letter No. 99-0564 (1999) ruled that portions of the responsive information could be withheld under section 552.110 of the Government Code as confidential "commercial or financial information." The decision found, however, that certain submitted documents were not within the scope of section 552.110. It then considered whether the latter documents were confidential under section 552.101 of the Government Code in conjunction with section 466.022(b) of the Government Code -- which makes confidential certain information relating to the security of lottery operations -- and concluded that the information in question was not protected under those provisions and must therefore be released.

Section 466.022(b) of the Government Code provides in part:

[T]he following information is confidential and exempt from disclosure:

- (1) security plans and procedures of the commission designed to ensure the integrity and security of the operation of the lottery;
- (2) information of a nature that is designed to insure the integrity and security of the selection of winning tickets or numbers in the lottery, other than information describing the general procedures for selecting winning lottery tickets or numbers[.]

In connection with your request for reconsideration, you submit the information ordered released in Open Records Letter No. 99-0564, your Exhibits C and D. You contend, *inter alia*, that, specific portions of Exhibits C and D would, if made public, "threaten the integrity

and security of the lottery.” You note that the information in question “details types of unauthorized access to the lottery computer system and identifies weakness in the lottery computer system.” You express particular concern that the information, if released, would facilitate unauthorized access to the computer system. Having reviewed your arguments and the information in question at issue, we conclude that portions of the information in Exhibits C and D are protected by section 552.101 in conjunction with section 466.022(b). We have marked those portions of Exhibits C and D which must be withheld.

You also contend that Exhibits C and D must be withheld *in their entirety* under section 552.101 in conjunction with section 466.022(b). We do not believe, however, that the other portions of Exhibits C and D are protected under those provisions. Neither do we find persuasive your contention that Exhibits C and D should be considered “of a piece” with the information which Open Records Letter No. 99-0564 (1999) ruled was protected by section 552.110. Therefore, except for those portions of Exhibits C and D which we have found, *per* the above discussion, to be confidential under section 552.101 in conjunction with section 466.022(b), you must release the information at issue. Open Records Letter No. 99-0564 (1999) is overruled to the extent of its inconsistency with this decision.

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 questions about this ruling, please contact our office.

Sincerely,



Rebecca L. Payne
Chief, Open Records Division

RLP/WMW/eaf

Ref: ID# 124448

encl. Marked documents

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