



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 12, 2011

Mr. Gary Grief
Executive Director
Texas Lottery Commission
P.O. Box 16630
Austin, Texas 78761-6630

OR2011-09847

Dear Mr. Grief:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 423696 (TLC # L-14168).

The Texas Lottery Commission (the "commission") received two requests from the same requestor for written statements, photographs, and the administrative file pertaining to a named prizewinner, as well as any e-mail messages in the commission's e-mail system containing the prizewinner's last name. You state you will provide some of the requested information to the requestor. You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information. We have also received and considered comments from the prizewinner at issue. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released).

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 552.101. This section encompasses information protected by other statutes, including section 466.022(b) of the Government Code. Section 466.022(b) provides that the 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[.]

Id. § 466.022(b)(1). The commission states that the submitted security photographs of the prizewinner are “part of the security procedures utilized by the [c]ommission which are designed to ensure the integrity and security of the operation of the lottery.” Further, you inform us “the security photographs are maintained only for security and identification purposes.” Based upon your representations and our review of the photographs at issue, we conclude that the commission must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 466.022(b)(1) of the Government Code. As our ruling is dispositive, we need not address your remaining arguments against disclosure.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Sarah Casterline
Assistant Attorney General
Open Records Division

SEC/eb

Ref: ID# 423696

Enc. Submitted documents

c: Requestor
(w/o enclosures)