



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 4, 2010

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

OR2010-11758

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# 389249 (TLC #L-12823).

The Texas Lottery Commission (the "commission") received a request for 1) all approved art for future scratch games during a specified time period, 2) for scratch tickets sent to the printer during a specified period, the quantity of tickets ordered from the printer and the quantity of prizes the commission is ordering for each category to make the printed odds correct, and 3) any newly created prize structures for reprinting tickets and any end of production prize structures. You state the commission has released some of the requested information. You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information. We have also considered comments submitted by the requestor. *See* Gov't Code § 552.304 (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

---

<sup>1</sup>In your brief dated June 9, 2010, you state the commission has withdrawn its remaining assertions under the Act.

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 information at issue is related to “the security plans and procedures of the [c]ommission that are designed to ensure the integrity and security of the operation of the lottery.” Further, the commission states that release of the information at issue “would jeopardize the ability of the [commission] to protect the security and integrity of the operations of the lottery.” Based upon your representations and our review of the document 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.

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](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,



Tamara Wilcox  
Assistant Attorney General  
Open Records Division

TW/dls

Ref: ID# 389249

Enc. Submitted documents

c: Requestor  
(w/o enclosures)