



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 18, 2010

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

OR2010-17506

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# 400386 (TLC # L-13232).

The Texas Lottery Commission (the "commission") received a request for information concerning a specified lottery prize. You state you have released some of the requested information. You claim portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses other laws that make information confidential. The commission states the "only exception to disclosure of information related to the claim process, or the prize winner, [is found] in section 466.022 of the [Government Code]." Section 466.022 of the Government Code provides in part:

(a) Except as otherwise provided by law, all commission records are subject to public inspection in accordance with [the Act].

(b) In addition to commission records excepted from disclosure under [the Act], the following information is confidential and is exempt from disclosure:

...
(3) the street address and telephone number of a prize winner, if the prize winner has not consented to the release of the information.

Id. § 466.022(a), (b)(3). In particular, the commission states “only the street address and the telephone number of a prize winner are confidential.” *See id.* § 466.022(b)(3). You have marked the home address of the individual who purchased the winning lottery ticket under section 466.022(b)(3). The submitted information reflects, however, that the purchaser of the ticket is not the prize winner. *See* 16 T.A.C. § 401.309(a) (defining “prize winner” as name of person who presented valid ticket, claimed lottery prize and is recognized by the Texas Lottery as the person entitled to receive lottery prize payments and is not an assignee of the lottery prize). Thus, we find the information you have marked is not confidential under section 466.022(b)(3) and may not be withheld under section 552.101 on this basis. We note that section 466.022(b) provides commission records are subject to the exceptions found in the Act. *See* Gov’t Code § 466.022(b); *see also* Gov’t Code § 466.022(a). We further note section 552.101 of the Government Code is one of these exceptions. Accordingly, we address the applicability of common-law privacy in conjunction with section 552.101 of the Government Code to the submitted information.

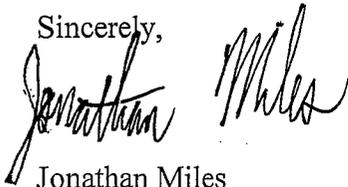
Section 552.101 also encompasses the doctrine of common-law privacy, which protects information if it (1) contains highly intimate or embarrassing facts, the publication of which would be highly objectionable to a reasonable person, and (2) is not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). This office has found information that reflects an individual’s personal financial decisions and is not related to a financial transaction between the individual and a governmental body is protected by common-law privacy. *See* Open Records Decision Nos. 600 (1992), 545 (1990). We note common-law privacy protects the privacy interests of individuals, but not of corporations or other types of business organizations. *See* Open Records Decision Nos. 620 (1990) (corporation has no right to privacy), 192 (1987) (right to privacy is designed primarily to protect human feelings and sensibilities, rather than property, business, or other pecuniary interests); *see also* *U.S. v. Morton Salt Co.*, 338 U.S. 632, 652 (1950), *Rosen v. Matthews Constr. Co.*, 777 S.W.2d 434 (Tex. App.—Houston [14th Dist.] 1989), *rev’d on other grounds*, 796 S.W.2d 692 (Tex. 1990) (corporation has no right to privacy).

Upon review, we find a portion of the submitted information is highly intimate or embarrassing and of no legitimate concern to the public. Therefore, the commission must withhold the information we marked under section 552.101 in conjunction with common-law privacy. As you raise no further arguments against disclosure, the remaining information must be released.

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,

A handwritten signature in cursive script, appearing to read "Jonathan Miles".

Jonathan Miles
Assistant Attorney General
Open Records Division

JM/eeg

Ref: ID# 400386

Enc. Submitted documents

c: Requestor
(w/o enclosures)