



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 1, 2011

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

OR2011-12715

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# 428632 (TLC File # 14384).

The Texas Lottery Commission (the "commission") received a request for the validation procedures referenced in section 401.307(g)(1) of title 16 of the Texas Administrative Code that are currently in effect and those that were in effect in February 2009. You claim that the requested information is excepted from disclosure under sections 552.101, 552.103, and 552.139 of the Government Code. We have considered the exceptions 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 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 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 documents 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](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,



Jennifer Luttrall  
Assistant Attorney General  
Open Records Division

JL/dls

Ref: ID# 428632

Enc. Submitted documents

c: Requestor  
(w/o enclosures)