



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 1, 2012

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

OR2012-08389

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# 455768 (TLC File No. L-15491).

The Texas Lottery Commission (the "commission") received a request for a MAED Trust agreement submitted by a lottery winner. Although you raise no exceptions to disclosure on behalf of the commission, you state the requested information may be excepted from disclosure under section 552.101 of the Government Code. We have received comments submitted on behalf of the lottery winner. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released). We have considered the submitted arguments 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." *Id.* § 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, was decided by the legislature and implemented by statute 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). We note, however, section 466.022(b) provides commission records are subject to the exceptions found in the Act. *See id.* § 466.022(b); *see also id.* § 466.022(a). We further note section 552.101 of the Government Code is one of these exceptions.

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 generally highly intimate or embarrassing. *See Open Records Decision Nos. 600 (1992), 545 (1990)*. Although a prize winner’s actual receipt of prize payment is a financial transaction between the prize winner and the commission, we conclude the submitted trust agreement reflects the trustors’ personal financial decisions regarding how to manage the prize funds and does not involve a financial transaction between the trustors and a governmental body. Furthermore, we find there is no legitimate public interest in the trust agreement. Therefore, the commission must withhold the submitted trust agreement under section 552.101 of the Government Code in conjunction with common-law privacy.

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 "Cindy Nettles".

Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 455768

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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(w/o enclosures)