ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 29, 2012

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

OR2012-13702

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# 463640 (TLC File # L-15827).

The Texas Lottery Commission (the "commission") received a request for: (1) a specified internal audit report; (2) the Retailer Bonus Program policies and procedures; (3) a specified report showing all retailer bonuses paid during a specified time period; and (4) a specified file/report showing all eligible and ineligible retailers during the same time period.[1] You inform us that the commission is releasing some of the requested information. You claim the submitted information is excepted from disclosure under sections 552.101, 552.111, and 552.139 of the Government Code. You also inform us that the release of this information may implicate the proprietary interests of GTECH Corporation ("GTECH"). Accordingly, you notified GTECH of the request for information and of the company's right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in Act in certain circumstances).

[1]You inform us that the commission observed skeleton crew days on June 19 and 25, 2012, and July 5, 2012.

We have received comments from GTECH. 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." Gov't Code § 552.101. Section 552.101 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). You have marked the submitted information under section 552.101 in conjunction with section 466.022(b)(1). You state this information "directly relate[s] to security plans and procedures, as well as to the design, operations and security of the commission's computer network and its associated application programs." Therefore, based on your representation and our review, we conclude 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.[2]

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,

Kenneth Leland Conyer
Assistant Attorney General
Open Records Division

KLC/bhf

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[2]As our ruling is dispositive, we need not address the remaining arguments against disclosure.

Ref: ID# 463640

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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(w/o enclosures)