



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 18, 2013

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

OR2013-10291

Dear Mr. Biard:

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# 490739 (TLC File # L-16929).

The Texas Lottery Commission (the "commission") received a request for all correspondence the commission received from the Safekeeping Trust, the Texas Comptroller of Public Accounts, and the State Auditor's Office regarding the prize payment account during a specified period of time. You state you have released some of the requested information. You claim the submitted information is excepted from disclosure under section 552.116 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note you have marked portions of the submitted information as non-responsive. The requestor seeks only correspondence the commission received from the Safekeeping Trust, the Texas Comptroller of Public Accounts, or the State Auditor's Office regarding the prize payment account during a specified period of time. Upon review, we agree the information you have marked is not responsive to the request. This ruling does not address the public availability of any information that is not responsive to the request and the commission is not required to release that information in response to the request.

Section 552.116 of the Government Code provides,

(a) An audit working paper of an audit of the state auditor or the auditor of a state agency, an institution of higher education as defined by Section 61.003, Education Code, a county, a municipality, a school district, a hospital district, or a joint board operating under Section 22.074, Transportation Code, including any audit relating to the criminal history background check of a public school employee, is excepted from [required public disclosure]. If information in an audit working paper is also maintained in another record, that other record is not excepted from [public disclosure] by this section.

(b) In this section:

(1) "Audit" means an audit authorized or required by a statute of this state or the United States, the charter or an ordinance of a municipality, an order of the commissioners court of a county, the bylaws adopted by or other action of the governing board of a hospital district, a resolution or other action of a board of trustees of a school district, including an audit by the district relating to the criminal history background check of a public school employee, or a resolution or other action of a joint board described by Subsection (a) and includes an investigation.

(2) "Audit working paper" includes all information, documentary or otherwise, prepared or maintained in conducting an audit or preparing an audit report, including:

(A) intra-agency and interagency communications;
and

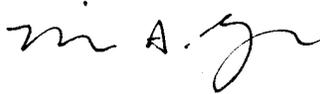
(B) drafts of the audit report or portions of those drafts.

Gov't Code § 552.116. You assert the responsive information consists of audit working papers pertaining to an audit conducted by the commission's internal audit director. You state the audit was undertaken pursuant to the Texas Internal Auditing Act, chapter 2102 of the Government Code. *See* Gov't Code ch. 2102. You further state the responsive information is not maintained in another record at the commission. Based on your representations and our review, we agree the responsive information constitutes audit working papers. Therefore, the commission may withhold the responsive information under section 552.116 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, 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,



Nicholas A. Ybarra
Assistant Attorney General
Open Records Division

NAY/ac

Ref: ID# 490739

Enc. Submitted documents

c: Requestor
(w/o enclosures)