



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 6, 2017

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

OR2017-00465

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# 640927 (Ref. No. L-21974).

The Texas Lottery Commission (the "commission") received a request for 1) the time a specified winning lottery ticket was sold and 2) the name of the employee who sold that ticket. You state you do not have information responsive to the second category of the request.¹ You claim some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, you note some of the submitted information is not responsive to the instant request for information. 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 such information in response to this request.

¹The Act does not require a governmental body to release information that did not exist when a request for information was received or to prepare new information in response to a request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

Section 552.101 of the Government Code exempts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. This section encompasses section 466.022(b) of the Government Code, which provides, in part, the following information is confidential and exempt from disclosure:

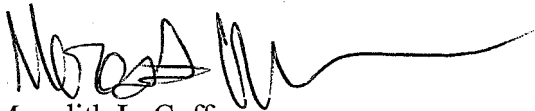
- (1) security plans and procedures of the commission designed to ensure the integrity and security of the operation of the lottery; [and]
- (2) information of a nature that is designed to ensure the integrity and security of the selection of winning tickets or numbers in the lottery, other than information describing the general procedures for selecting winning tickets or numbers[.]

Id. § 466.022(b)(1)–(2). You state the responsive information is a transactional detail, the release of which could compromise the integrity and security of the lottery. You further state the information at issue is designed to ensure the integrity and security of the selection of winning tickets or numbers in the lottery. Upon review, we conclude the commission must withhold the responsive information under section 552.101 of the Government Code in conjunction with section 466.022(b) 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/bw

Ref: ID# 640927

Enc. Submitted documents

c: Requestor
(w/o enclosures)