



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 10, 2019

Ms. Deanne Rienstra
Special Counsel
Texas Lottery Commission
P.O. Box 16630
Austin, Texas 78761-6630

OR2019-09631

Dear Ms. Rienstra:

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# 758760 (TLC FILE #L-24885).

The Texas Lottery Commission (the "commission") received a request for the identifying information pertaining to the winner of a specified lottery ticket. You claim the submitted information is excepted from disclosure under sections 552.101, 552.130, and 552.147 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the requestor only seeks the identifying information of the specified lottery ticket winner. Thus, the additional information you submitted is not responsive to the request for information because it does not consist of the identifying information of the specified lottery ticket winner. 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.²

¹Although you do not cite section 552.130 or section 552.147 of the Government Code in your brief, we understand you to raise these exceptions based upon your markings.

²As we are able to make this determination, we need not address your arguments against disclosure of this 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 exception encompasses information made confidential by other statutes, such as section 466.411 of the Government Code. Section 466.411 provides:

(a) Subject to Subsection (b), a natural person who is a prize winner of a lottery prize in an amount equal to \$1 million or more, or who is an owner of a beneficial interest in a legal entity that is a prize winner of a lottery prize in an amount equal to \$1 million or more, may on the date the winner claims the prize choose to remain anonymous and prohibit all personally identifiable information from being released to the public.

(b) The commission may release or disclose the personally identifiable information of a natural person who is a lottery prize winner if the person chooses to have the prize paid in periodic installments. The commission may only disclose the information on or after the 30th day after the date the person claims the lottery prize if the person chooses to remain anonymous under Subsection (a).

(c) For purposes of this section, the amount of a lottery prize is the total amount of prize money paid to a prize winner for a single lottery prize claim, whether paid in one payment or in periodic installments, before deducting any federal tax withholdings or other deductions required by law.

(d) This section does not prohibit release of a natural person prize winner’s city or county of residence or prevent the commission from releasing the person’s personally identifiable information to the Health and Human Services Commission or as necessary to comply with Section 466.407 or 466.4075.

Id. § 466.411. You assert the information at issue identifies a natural person who won a prize over \$1 million, chose to have the prize paid in a lump sum payment, and has elected to remain anonymous. There is no indication the requestor has a right of access to the information under subsection 466.411(d) of the Government Code. *See id.* § 466.411(d). Section 401.324(c) of title 16 of the Texas Administrative Code defines “personally identifiable information” as information that alone or in conjunction with other information identifies an individual, including an individual’s name, social security number, date of birth, or government-issued identification number such as a driver’s license or passport, but does not include the name of the prize winner’s city or county of residence. *See* 16 T.A.C. § 401.324(c). Based on your representations and our review, we conclude the responsive

information is confidential under section 466.411 of the Government Code, and the commission must withhold it under section 552.101 of the Government Code on that basis.³

Finally, you ask this office issue a previous determination that would permit the commission in the future to withhold the personally identifiable information of natural persons who win a prize over \$1 million taken in a lump sum payment and who choose to remain anonymous under section 466.411 of the Government Code without the need of requesting a ruling from this office about whether such information can be withheld from disclosure. *See* Gov't Code § 552.301(a) (allowing a governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). We decline to issue such a previous determination at this time.

Additionally, you ask this office issue a previous determination that would permit the commission in the future to withhold the personally identifiable information of natural persons who win a prize over \$1 million taken in installments and who choose to remain anonymous under section 466.411 for 30 days after the prize is claimed without the need of requesting a ruling from this office about whether such information can be withheld from disclosure. *See* Gov't Code § 552.301(a); ORD 673 (2001). We decline to issue such a previous determination at this time. Accordingly, 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,



Kieran Hillis
Assistant Attorney General
Open Records Division

KH/mo

³As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.

Ref: ID# 758760

Enc. Submitted documents

c: Requestor
(w/o enclosures)