



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 23, 2020

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

OR2020-11512

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# 823985 (TLC File# R026315).

The Texas Lottery Commission (the "commission") received a request for photographs of winners of certain lottery tickets during a specified time period. You state the commission has released some information. You claim 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 representative sample of information.<sup>1</sup>

Initially, we note some of the submitted information, which we marked, is not responsive to the request for information because it does not consist of the requested photographs. 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 this information in response to this request.<sup>2</sup>

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:

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<sup>1</sup> We assume the representative sample of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

<sup>2</sup> As we are able to make this determination, we need not address your argument against disclosure of this information.

(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 natural persons who won prizes of over \$1 million, chose to have the prize paid in a lump sum payment, and 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 information at issue is confidential under section 466.411 of the Government Code. Therefore, the commission must withhold the responsive information under section 552.101 of the Government Code in conjunction with section 466.411 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open

Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Kieran Hillis  
Assistant Attorney General  
Open Records Division

KH/jlbm

Ref: ID# 823985

Enc. Submitted documents

c: Requestor  
(w/o enclosures)