



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 2, 2022

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

OR2022-26946

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# 969810 (Ref. No. R028126-061322).

The Texas Lottery Commission (the "commission") received a request for certain categories of information pertaining to Texas Lottery winners during a specified time period. You state the commission has released some information and some of the requested information is available on the Texas Open Data Portal.<sup>1</sup> The commission claims some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception 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. Section 466.022(b) of the Government Code provides, in relevant part, that the following information is confidential and exempt from disclosure:

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<sup>1</sup> A governmental body's officer for public information may comply with the requirement to promptly produce public information "by referring a requestor to an exact Internet location or uniform resource locator (URL) address on a website maintained by the governmental body and accessible to the public if the requested information is identifiable and readily available on that website." See Gov't Code § 552.221(b-1).

(3) the street address and telephone number of a prize winner, if the prize winner has not consented to the release of the information[.]

*Id.* § 466.022(b)(3). The commission states the submitted information includes street addresses of prize winners, which are subject to section 466.022(b)(3). The commission informs us the prize winners at issue have not consented to the release of their addresses. Accordingly, the commission must withhold the submitted street addresses under section 552.101 of the Government Code in conjunction with section 466.022(b)(3) of the Government Code. However, we note the remaining addresses consist of post office box numbers. Section 466.022(b)(3) is not applicable to a post office box number. Therefore, post office box numbers are not confidential under section 466.022 and thus may not be withheld from the requestor under section 552.101 of the Government Code. *See also* Open Records Decision Nos. 658 at 4 (1998) (statutory confidentiality must be express, and confidentiality requirement will not be implied from statutory structure), 649 at 3 (1996) (language of confidentiality provision controls scope of its protection), 478 at 2 (1987) (statutory confidentiality requires express language making certain information confidential or stating that information shall not be released to the public).

Section 552.101 of the Government Code also encompasses the doctrine of common-law privacy. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). Under the common-law right of privacy, an individual has a right to be free from the publicizing of private affairs in which the public has no legitimate concern. *Id.* at 682. The Third Court of Appeals has concluded public citizens' dates of birth are protected by common-law privacy pursuant to section 552.101. *Paxton v. City of Dallas*, No. 03-13-00546-CV, 2015 WL 3394061, at \*3 (Tex. App.—Austin May 22, 2015, pet. denied) (mem. op.). You argue some of the remaining information is confidential under section 552.101 in conjunction with common-law privacy. Upon review, we agree the commission must withhold the information you indicated under section 552.101 of the Government Code in conjunction with common-law privacy from this requestor.

In summary, the commission must withhold the submitted street addresses under section 552.101 of the Government Code in conjunction with section 466.022(b)(3) of the Government Code. The commission must also withhold the information you indicated under section 552.101 of the Government Code in conjunction with common-law privacy. The commission must release the remaining information.

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,

Michelle Garza  
Assistant Attorney General  
Open Records Division

MRG/mo

Ref: ID# 969810

Enc. Submitted documents

c: Requestor  
(w/o enclosures)