

Commissioners:

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TEXAS LOTTERY COMMISSION

Gary Grief, *Executive Director*

LaDonna Castañuela, *Charitable Bingo Operations Director*

March 24, 2022

The Honorable Ken Paxton
Attorney General of Texas
Open Records Division
P.O. Box 12548
Austin, TX 78711-2548

Via: Certified Mail #9214 8901 9403 8370 7629 82

Attention: Justin Gordon
Chief, Open Records Division

Re: Supplemental Request for Public Information Act Decision
TLC File # R027942-030322

Dear General Paxton:

On March 3, 2022, Dawn Nettles submitted a Public Information Request to the Texas Lottery Commission (TLC). Ms. Nettles requested information relating to four (4) Texas Lottery draw tickets where she asserted the image was not legible or cut off. Specifically, all information printed on the draw ticket, including the assigned numbers and barcodes. *See Exhibit A* attached to our letter of March 17, 2022. This supplemental request for decision is timely submitted within fifteen business days of receipt of the request.

All or part of the responsive information may be excepted from required public disclosure pursuant to Tex. Gov't Code Ann. §§552.101 and 466.022. The TLC withdraws its asserted claims for exceptions pursuant to §§552.102, 552.103, 552.104, 552.106, 552.107, 552.108, 552.110, 552.111, 552.116, 552.117, 552.1175, 552.125, 552.128, 552.130, 552.136, 552.137, 552.139, 552.147, and 552.156.¹ The marked responsive documents are attached in **Exhibit B**.

TEX. GOV'T CODE ANN. §§552.101 and 466.022

The Texas Public Information Act, Tex. Gov't Code Ann. §552.101, excepts from required disclosure "information considered confidential by law, either constitutional, statutory, or by judicial decision."

¹ It is understood by this agency that certain of the listed exceptions allow information to be redacted without the necessity of requesting a decision from the attorney general. These exceptions will be marked, but not briefed, and the appropriate notification will be provided to the requestor.

Tex. Govt Code § 466.022(b) (State Lottery Act) provides in part:

CONFIDENTIAL INFORMATION.

. . . .

(b) In addition to commission records excepted from disclosure under Chapter 552, the following information is confidential and is exempt from disclosure:

- (1) security plans and procedures of the commission designed to ensure the integrity and security of the operation of the lottery;
- (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; and

The function of the TLC is to “exercise strict control and close supervision over all lottery games conducted in this state to promote and ensure integrity, security, honesty, and fairness in the operation and administration of the lottery.” Tex. Gov’t Code Ann. §466.014. In furtherance of this mandate, the TLC has promulgated administrative rules, internal procedures and policies relating to security plans and procedures for validating, or processing, lottery draw tickets to determine whether a ticket is a valid winning ticket. These TLC administrative rules make it the sole responsibility of the player to verify the numbers selected at the time of purchase of the lottery ticket for the very reason that validation may not be possible if a ticket is illegible or mis-cut. The best opportunity for fairness to the player is to immediately request a replacement ticket or refund from the retailer at the time of purchase.²

The requestor has requested the information contained on certain specific draw game lottery tickets that she asserts are illegible or mis-cut.³ This information includes the numbers selected as well as certain transactional details (time and date of purchase, serial number, etc.) that, if released, could compromise the integrity and security of the lottery and the ability to provide a fair chance for a player to claim a prize. As part of the lottery security plans and procedures, it is important to not release this type of transactional information about the ticket or its purchase in the event this information is needed during the security validation or processing of a claim involving the ticket.⁴

In essence, the requestor is asking for a lottery draw game ticket to be checked for validation without submitting the physical ticket as is required by the TLC administrative rules for security

² See e.g., 16 TAC §§401.305(c)(6) (“Lotto Texas” Draw Game Rule), 401.315(c)(4) (“Mega Millions” Draw Game Rule), and 401.317(c)(4) (“Powerball” Draw Game Rule). Please also note that these rules have been approved for rulemaking at the TLC Commission meeting on February 10, 2022, to combine all into the general draw game rule at 16 TAC §401.304 (b)(6) (General Draw Game Rule) and are pending adoption at the next TLC Commission meeting. The revised rule, if adopted, will be the same in substance and will state: “Player Responsibility. It shall be the sole responsibility of the player to verify the accuracy of the game Play or Plays and other data printed on the ticket. The placing of Plays is done at the player's own risk through the licensed sales agent who is acting on behalf of the player in entering the Play or Plays.”

³ The requestor has not submitted the physical tickets to the TLC.

⁴ Your office previously ruled that this type of transactional ticket information is confidential security plans and procedures in letter ruling 2014-16365 dated September 16, 2014.

purposes. 16 Tex. Admin. Code §401.304(e)(1)⁵ sets out the requirements for ticket validation. These requirements, along with other security confidential tests, require that the physical ticket be submitted to the TLC in order to perform the validation tests. It is for these reasons, players are requested to submit illegible or mis-cut lottery ticket to the TLC for validation purposes. Additionally, without examining the physical tickets, the TLC can only guess whether the tickets the requestor holds are the exact tickets issued or sold and whether they match the information in the lottery gaming system and reflected in **Exhibit B**.

The TLC respectfully requests your decision on whether the marked information in **Exhibit B** is excepted from required disclosure pursuant to Tex. Gov't Code Ann. §§ 552.101 and 466.022. Please contact me at (512) 344-5205 if you have any questions or need additional information.

Sincerely,

Deanne Rienstra
Special Counsel

Enclosures: Exhibit B

cc: Dawn Nettles (w/o enclosures)

⁵ (e) Validation requirements.

(1) To be a valid winning draw game ticket, all of the following conditions must be met.

(A) All printing on the ticket shall be present in its entirety, be legible, and correspond, using the computer validation file, to the combination and data printed on the ticket. The ticket must have been produced prior to the drawing.

(B) The ticket shall not be mutilated, altered, unreadable, reconstituted, misregistered, defective, incomplete, or tampered with in any manner.

(C) The ticket shall not be counterfeit or forged, in whole or in part, or an exact duplicate of another winning ticket.

(D) The ticket must have been issued by an authorized retailer in an authorized manner on official Texas Lottery paper stock, or, for third-party point-of-sale systems approved by the commission, printed on paper stock or otherwise issued in a manner approved by the commission to provide tangible evidence of participation in a lottery game.

(E) The ticket shall not be stolen. Neither the commission nor its retailers shall be responsible for the payment of prizes for lost or stolen tickets.

(F) The ticket shall not have been previously paid.

(G) The ticket data shall have been recorded on the central computer system prior to the drawing, and the ticket data must match the computer record data in every respect

(H) The ticket shall pass all other confidential security checks of the commission.