



Publisher
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August 23, 2002

To: Attorney General's Office

Request for an Opinion:

To Whom It May Concern.

I have requested from the Texas Lottery Commission to receive public information at the same time it is released to other requested "like parties" but have not been able to obtain the information in the same manner to which other parties receive the data. I was advised to contact the AG's office.

Very specifically, the TLC releases drawing results, prize payouts and winning retail locations by fax and often by phone, 7 days per week, twice daily and all holidays. I have requested to receive the information at the same time it is released, but the TLC refuses to accommodate my request.

The TLC will provide this data to me by phone, but only Monday thru Friday and only during their normal business hours. How can the TLC release this information to one organization but not release it to another organization. Wouldn't this be considered a selective process? The laws states:

§ 552.223. Uniform Treatment of Requests for Information

The officer for public information or the officer's agent shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a member of the media.

Added by Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993.

Amended by Acts 1995, 74th Leg., ch. 1035, § 15, eff. Sept. 1, 1995.

§ 552.007. Voluntary Disclosure of Certain Information When Disclosure Not Required

(a) This chapter does not prohibit a governmental body or its officer for public information from voluntarily making part or all of its information available to the public, unless the disclosure is expressly prohibited by law or the information is confidential under law.

(b) Public information made available under Subsection (a) must be made available to any person.

I include the following section because I have offered to pay for the faxes. I feel this is important because my sole purpose in obtaining this information is that I make it available to the public - their customers.

§ 552.267. Waiver or Reduction of Charge for Providing Copy of Public Information

(a) A governmental body shall provide a copy of public information without charge or at a reduced charge if the governmental body determines that waiver or reduction of the charge is in the public interest because providing the copy of the information primarily benefits the general public.

Your assistance in explaining to me how I can be selectively excluded from receiving public information in the same manner that others receive it when the law states, "Information that a governmental body collects, assembles, or maintains is, in general, either open to all members of the public or closed to all members of the public." will be appreciated.

Respectfully,

Dawn Nettles

cc: Kim Kiplin, Texas Lottery Commission