

To: California State Lottery Commission **Date**: August 15, 2007

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Director

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Legal Office

Subject: Item 9(g)- Approval of Amendments to Lottery Regulations

Concerning Public Disclosure of a Winner's Name

ISSUE

Should the California State Lottery Commission (Commission) adopt amendments to the California Lottery's Regulations to clarify the possibility of public disclosure of a winner's name?

RECOMMENDATION

California State Lottery (Lottery) staff recommends that the Commission adopt the proposed amendment. The proposed change addresses the problem of which player's names are required to be publicly disclosed.

BACKGROUND

The primary purpose for the amendment to the language of the Lottery regulations concerning public disclosure of a winner's name is to protect the unnecessary invasion into the privacy of our players. The secondary purpose is to ensure the uniformity of the language in our regulations.

Currently, the language in the Lottery regulations varies from regulation to regulation. Some regulations state that a "winner's or a claimant's or a contestant's name are subject to public disclosure." Some state that a "winner's or a player's or a claimant's name are subject to public disclosure." There is inconsistency between the different regulations.

This broad definition of names which are disclosable has also caused issues for some of our players who are not necessarily winners. Several Public Records Act

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requests have been made in the past asking for all participants' names who will participate in The Big Spin® TV show. Requests specifically cited our regulations where claimant's and player's names are listed as being subject to public disclosure and were able to obtain lists of names for people who had not even appeared on The Big Spin® TV show yet.

DISCUSSION

The various Lottery regulations give different definitions of whose name the Lottery may disclose as public information. Because the regulations have been separate and are modified separately, there are times when one regulation may have been revised whereas other regulations containing the same initial language were not revised. This led to discrepancies between the language in the different Lottery regulations subsections concerning the same items. This amendment will make those sections uniform.

This amendment also limits public disclosure to the "winner's name." This will protect individuals from having their name disclosed prior to them actually winning something from the Lottery. Under the current language, anyone who bought a single ticket from the Lottery was a "player" and thus, their name might be disclosed as a matter of public record. This is an unreasonable burden upon both the players of the Lottery as well as the Lottery itself because of additional tracking and possible gathering for disclosure of anyone's name that the Lottery had collected as being a player.

Click here for proposed regulation amendment.