THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Hillsborough Superior Court Southern District
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NOTICE OF DECISION

File Copy

Case Name: **Jane Doe v New Hampshire Lottery Commission**
Case Number: **226-2018-CV-00036**

Enclosed please find a copy of the court's order of March 12, 2018 relative to:

COURT ORDER

March 12, 2018

Marshall A. Buttrick
Clerk of Court

(293)

C: Steven M. Gordon, ESQ; Lisa M. English, ESQ; John J. Conforti, ESQ

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.
SOUTHERN DISTRICT

SUPERIOR COURT
No. 2018-CV-00036

Jane Doe

v.

New Hampshire Lottery Commission

ORDER

The plaintiff, Jane Doe, has filed this complaint against the defendant, the New Hampshire Lottery Commission (the "Commission"), seeking declaratory and injunctive relief. The Court held a merits hearing on February 13, 2018, at which both parties were represented by counsel. After considering the record, the arguments, and the applicable law, the Court finds and rules as follows.

Background

The Court draws the following relevant facts from the record. Ms. Doe purchased a lottery ticket for the January 6, 2018 Powerball drawing from Reeds Ferry Market in Merrimack. Following the drawing, Ms. Doe learned that the numbers on her ticket matched the winning numbers, entitling her to a jackpot prize of $560 million. Once she realized that she had won, Ms. Doe filled in the back of the ticket with her name, address, phone number, and signature. After filling in the ticket, but before presenting the ticket to the Commission for redemption, Ms. Doe consulted with legal counsel. Her attorneys informed her that New Hampshire law permits a trustee of a trust to collect the prize, thus allowing the real winner to essentially remain anonymous. Indeed, one of Ms. Doe's attorneys had established such a trust for a different Powerball winner in 2016 and then personally collected the winnings as the trustee.

Ms. Doe's legal counsel subsequently contacted the Commission to discuss Ms. Doe's options for claiming the prize. Of particular note, Ms. Doe's counsel asked the Commission whether she could remain anonymous to the public despite having already filled in the back of the ticket. The Commission maintained that it would be required to disclose the name and hometown as shown on the ticket if it received a request for such information pursuant to New Hampshire's Right-to-Know law. Ms. Doe's attorney then offered to "white out" her personal information on the back of the ticket in the presence of Commission employees and replace it with the information of the trust and/or trustee. In response, the Commission took the position that such a procedure would be an alteration of the ticket, which is prohibited under its regulations.

Unable to agree upon a workable solution with the Commission, Ms. Doe instituted this action. She seeks a declaration that "the records which would divulge [her] identity . . . are exempt from disclosure" under the Right-to-Know law, as well as an injunction prohibiting the Commission from "disclosing records identifying [her] as the Powerball winner to any individual or entity." (Compl. Prayers for Relief ¶¶ B & C.) In the alternative, Ms. Doe seeks judicial authorization permitting her "to alter the personal identifiers on the back of the ticket and replace them with identifiers of her trust without invalidating the ticket." (Id. ¶ D.) In response, the Commission moves to dismiss. It asserts that the name and hometown of lottery winners must be disclosed under the Right-to-Know Law because the public has as "an interest in ensuring that the games played are on the level and that the winners are bona fide lottery participants." (Def.'s Mot. Dismiss at 8.) The Commission contends that this public interest outweighs any privacy interest Ms. Doe has in her name and hometown. (Id.) As to Ms. Doe's request

for alternative relief, the Commission maintains that "[w]hiting out, reconstruction, tampering or other alteration of the ticket violates Powerball Administrative Rules and could lead to a disqualification of the ticket." (Id. at 4.) At the hearing, the Commission further explained that its tickets have a number of security features and that altering the ticket could "make it less able to be read and validated." (Hearing at 11:32 a.m.)

Analysis

At the outset, the Court notes that the parties agree that the resolution of this matter turns on the application of the Right-to-Know law.[1] "The purpose of the Right-to-Know Law is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people." N.H. Right to Life v. Dir., N.H. Charitable Trs. Unit, 169 N.H. 95, 103 (2016) (quotation omitted). "Thus, the Right-to-Know Law furthers our state constitutional requirement

[1] "In the federal vernacular, this [action] would be termed a 'reverse-FOIA' or 'reverse Freedom of Information Act' suit." Iowa Film Prod. Servs. v. Iowa Dep't of Econ. Dev., 818 N.W.2d 207, 218 n. 8 (Iowa 2012). The federal Freedom of Information Act, however, "does not afford [a party] any right to enjoin agency disclosure." Chrysler Corp. v. Brown, 441 U.S. 281, 294 (1979). This reasoning has been adopted by some state courts and rejected by others in interpreting similar state laws. Compare, e.g., R.I. Fed'n of Teachers, AFT, AFL-CIO v. Sundlun, 595 A.2d 799, 803 (R.I. 1991) (explaining that "[o]ur statute, like the Federal FOIA statute, is directed solely toward requiring disclosure by public agencies and does not provide a reverse remedy to prevent disclosure"); Tobin v. Mich. Civil Serv. Comm'n, 331 N.W.2d 184, 187 (Mich. 1982) (holding that "[t]he absence of any provisions in the statute allowing third parties such as these plaintiffs to bring an action to compel nondisclosure is persuasive evidence that the FOIA did not create such rights"); Med. Mut. Ins. Co. of Me. v. Me. Bureau of Ins., No. Civ.A. CV03-453, 2003 WL 23185888, at *1 (Me. Super. Ct. Dec. 12, 2003) ("The statutes, however, do not have a cause of action to enjoin an agency from disclosing information.") with e.g., Bowers v. Shelton, 453 S.E.2d 741, 743 (Ga. 1995) (noting textual differences between Georgia law and FOIA and holding that plaintiffs had "a cause of action to enforce compliance with the Act, by seeking to enjoin disclosure of legally protected information"); Twin-Cities Broad. Corp. v. Reynard, 661 N.E.2d 401, 405 (Ill. App. Ct. 1996) ("Because [the party seeking to prevent disclosure] had a substantial interest in the subject matter of the request, it was entitled to assert an exemption, if one exists, despite the State's Attorney's refusal to do so."); Marken v. Santa Monica-Malibu Unified Sch. Dist., 136 Cal.Rptr.3d 395, 408 (Ct. App. 2012) (holding that "mandamus should be available to prevent a public agency from acting in an unlawful manner by releasing information the disclosure of which is prohibited by law"). Because neither party argues otherwise, the Court will assume, without deciding, that this action is appropriately before the Court and should be analyzed under the Right-to-Know law. See, e.g., CaremarkPCS Health, LLC v. N.H. Dep't of Admin. Servs., 167 N.H. 583, 586 (2015) (plaintiff brought injunction action seeking to prevent agency's disclosure of its trade secrets and propriety of disclosure was analyzed under Right-to-Know law); Grafton Cnty. Attorney's Office v. Canner, 169 N.H. 319, 324 (2016) (entertaining appeal brought by party whose information was subject to disclosure under Right-to-Know law and analyzing the case under the same).

that the public's right of access to governmental proceedings and records shall not be unreasonably restricted." Id. (quotation and citation omitted). "Although the statute does not provide for unrestricted access to public records, [the Court] resolve[s] questions regarding the Right-to-Know Law with a view to providing the utmost information in order to best effectuate these statutory and constitutional objectives." Id. (quotation omitted). "As a result, [the Court] broadly construe[s] provisions favoring disclosure and interpret[s] the exemptions restrictively." Id. (quotation omitted). The Court also looks "to the decisions of other jurisdictions interpreting similar acts for guidance, including federal interpretations of the federal Freedom of Information Act (FOIA)." Id. (citation omitted). "Such similar laws, because they are in pari materia, are interpretatively helpful, especially in understanding the necessary accommodation of the competing interests involved." Id. (quotation omitted).

At issue in this case is the exemption for "confidential, commercial, or financial information . . . and other files whose disclosure would constitute [an] invasion of privacy." RSA 91-A:5, IV. "This section of the Right-to-Know Law means that financial information and personnel files and other information necessary to an individual's privacy need not be disclosed." N.H. Right to Life, 169 N.H. at 110 (quotation omitted). The Court "engage[s] in a three-step analysis when considering whether disclosure of public records constitutes an invasion of privacy under RSA 91-A:5, IV." Id. (quotation omitted). "First, [the Court] evaluate[s] whether there is a privacy interest that would be invaded by the disclosure." Id. (quotation omitted). "Next, [the Court] assess[es] the public's interest in disclosure." Id. at 111 (quotation omitted). "Finally, [the Court] balance[s] the public interest in disclosure against the government interest in

nondisclosure and the individual's privacy interest in nondisclosure." Id. (quotation omitted). Ms. Doe, as the party advocating for nondisclosure, "has the burden of demonstrating that the designated information is exempt from disclosure under the Right-to-Know Law." CaremarkPCS Health, LLC, 167 N.H. at 587. The Court will address each prong of the analysis in turn.

A. Privacy Interest

The threshold issue is whether Ms. Doe has a privacy interest in the nondisclosure of her name and hometown.[2] It is widely-recognized that "disclosing a person's name and address implicates that person's privacy rights because the disclosure serves as a conduit into the sanctuary of the home." Lamy v. N.H. PUC, 152 N.H. 106, 110 (2005) (citation and brackets omitted); see also Rugiero v. U.S. Dep't of Justice, 257 F.3d 534, 550 (6th Cir. 2001) (explaining that "[a] clear privacy interest exists with respect to such information as names, addresses, and other identifying information even where such information is already publicly available") (citations omitted). Indeed, "[u]nder some circumstances, individuals retain a strong privacy interest in their identities." N.H. Right to Life, 169 N.H. at 117 (quotation omitted and emphasis added). "One such circumstance is when public identification could conceivably subject those identified to harassment and annoyance . . . in their private lives." Id. (quotation omitted); see, e.g., McDonnell v. United States, 4 F.3d 1227, 1252 (3d Cir. 1993) (noting that "the privacy interest at stake [w]as the potential harassment, criticism, and embarrassment of the person who is the subject of the records").

[2] Although the back of the lottery ticket calls for additional information, the Commission has represented that only Ms. Doe's name and hometown would be subject to disclosure. Therefore, the Court need not address whether the Right-to-Know law applies to the other information contained on the back of ticket.

Here, Ms. Doe has cited to a number of articles establishing that other winners of large lottery prizes have been routinely subject to unwanted contact. See generally N.H. Right to Life, 169 N.H. at 118 (looking to newspaper articles to establish privacy interest). For instance, a lottery winner in Illinois reported that, "with his name and picture plastered on the news, he was a target. Someone called in a bomb threat to his home. At bars, people would expect him to buy a round of drinks. More than 1,000 letters from strangers trying to tug at his heartstrings were mailed to his home." Gary Cameron, Can You Spare a Million?: Why It Pays to Stay Anonymous After Lottery Win, Reuters (Apr. 2, 2014), https://www.nbcnews.com/ news/us-news/can-you-spare-million-why-it-pays-stay-anonymous-after-n70071. Likewise, a Texas lottery winner "had to change his phone number several times after strangers called to demand donations." Terri Pous, The Tragic Stories of the Lottery's Unluckiest Winners, Time (Nov. 27, 2012), http://newsfeed.time.com/2012/11/28/500-million-powerball-jackpot-the-tragic-stories-of-the-lotterys-unluckiest-winners/slide/billie-bob-harrell-jr. Likewise, an attorney who has represented seventeen lottery winners from across New England has averred that similar unwanted contact occurred with his clients: "Lottery winners whose names become public are subject to immediate unwanted solicitation. Those solicitations come from a variety of sources—investment advisors (both legitimate and less honorable solicitors), charities, individuals who are down on their luck, and others looking to exploit the winners." (Zorn Aff. ¶ 3.)

Although the Commission seemingly contends that these are isolated examples, there is evidence suggesting that Ms. Doe would also be subject to similar unwanted communication. For instance, the law firm that represents Ms. Doe, Shaheen and

Gordon, has been bombarded with solicitations from various individuals seeking to capitalize on her winnings. As explained by one of the firm's paralegals, there has been

> an outpouring of unsolicited offers and opinions on how the matter could be addressed and resolve in Ms. Doe's favor. Many of these communications contained requests for contribution of assistance due to illness or other hardships.

(Keller Aff. ¶ 5.) The firm has "received telephonic and email requests for interviews or comment" from at least seventeen different news agencies spanning from Los Angeles to Germany. (Id. ¶ 3.) In addition, Reeds Ferry Market received a $75,000 prize for selling the winning ticket to Ms. Doe. Despite the relatively small prize, the store has been "inundated with nonsense calls from people asking for money." (Safa Aff. ¶ 3.) "Some callers have [even] requested that [the owner] buy them a new home." (Id. ¶ 4.)

In addition to solicitation and harassment, "[m]edia reports also exist regarding threats of and actual harm to lottery winners." S.C. Lottery Comm'n v. Glassmeyer, No. 2014CP4002926, 2015 WL 13685046, at *4 (S.C. Ct. Com. Pl. Nov. 17, 2015) (collecting articles); (see also Pl.'s Br. Supp. Compl. pp. 13–14 (collecting articles).) Such instances of harm are also reflected in criminal case law. See, e.g., People v. Bennett, No. 307452, 2013 WL 967583 (Mich. App. Ct. March 7, 2013) (defendant robbed home, murdered one person, shot another person, and assaulted a child in attempt to steal $2,700 lottery ticket); State v. Bradford, No. 01-2022, 2003 WL 21372743 (Iowa Ct. App. June 13, 2003) (defendant choked victim to steal cash received from winning lottery tickets). The Court notes that the "privacy interest in avoiding physical danger" is even greater "than in the accepted privacy interest in the nondisclosure of their names and addresses in connection with financial information." Bigwood v. U.S. Agency for Int'l Dev., 484 F. Supp. 2d 68, 77 (D.D.C. 2007).

In short, the record clearly shows that lottery winners in general are subject to repeated solicitation, harassment, and even violence. Likewise, those simply associated with Ms. Doe have also been subject to unwanted phone calls, messages, and in-person visits. The Court therefore has no difficulty finding that Ms. Doe would also be subject to similar solicitation and harassment if her identity were disclosed. As succinctly put by one court, the disclosure of Ms. Doe's "personal identifying information would invade the privacy of [Ms. Doe], subject [her] to unreasonable publicity, expose [her] to threats against [her] safety, and otherwise be an unreasonable intrusion into [her] li[fe] and daily affairs." S.C. Lottery Comm'n, 2015 WL 13685046, at *4. In light of the foregoing, the Court holds that Ms. Doe has a strong "privacy interest in [the] nondisclosure" of her name.[3] U.S. Dep't of Def. v. Fed. Labor Relations Auth., 510 U.S. 487, 501 (1994) (holding that non-union employees had privacy interest in nondisclosure of names and addresses in order to "avoid[ ] the influx of union-related mail, and, perhaps, union-related telephone calls or visits, that would follow disclosure").

The Commission also asserts that Ms. Doe's hometown is subject to disclosure under the Right-to-Know law. As to this information, the Court can find no similar privacy interest. The Court recognizes that there may be situations when disclosure of an individual's hometown could lead to the identification of the individual. See generally U.S. Dep't of State v. Ray, 502 U.S. 164, 176 (1991) (revealing otherwise innocuous information could result in an "invasion of privacy . . . when [that] information is linked to

[3] The Commission cites Empire Realty Grp. v. N.Y. State Div. of the Lottery, 657 N.Y.S.2d 504 (App. Div. 1997) for the proposition that "playing the lottery . . . limits the expectation of privacy for those who participate." (Def.'s Mot. Dismiss at 5.) However, the rules governing the New York lottery provide that each prize winner "grants to the director the right to use his name, [and] city of residence in order to publicize his winnings." Empire Realty Grp., 657 N.Y.S.2d at 507 (citation omitted). Of course, if Ms. Doe had consented to the publication of her name, the Court would be less inclined to find a privacy interest here. However, the Commission has not identified a similar rule in New Hampshire, nor has the Court's research found one. Absent a similar rule, the Court finds Empire Realty Grp. inapposite.

[a] particular [individual]"); Roderick Chappell, No. PR 04-18, 2004 WL 5328465, at *2 (R.I. Att'y Gen. June 30, 2004) ("Public disclosure of city or town of residence of a[ ] state police officer will in effect be a disclosure of that officer's home address, as address information can subsequently be determined through telephone records, tax records, or other publicly available sources of information"). But there is no evidence or suggestion[4] of a "reverse" identification happening in this case. Indeed, given that any (female) person in Ms. Doe's hometown could potentially be the winner, it is highly unlikely that Ms. Doe could be identified as the winner based solely on the disclosure of that limited piece of information. Thus, the Court fails to see how the disclosure of Ms. Doe's hometown would subject her to unwanted communication or otherwise jeopardize her safety. Accordingly, the Court concludes that Ms. Doe has no privacy interest in the nondisclosure of her hometown and therefore it must be disclosed pursuant to a Right-to-Know request.[5] See N.H. Right to Life, 169 N.H. at 110 (explaining that where there is no privacy interest, "the Right-to-Know Law mandates disclosure") (quotation omitted); cf. S.C. Lottery Comm'n, 2015 WL 13685046, at *1 (enjoining lottery commission from releasing names of winners pursuant to FOIA request, but permitting it to disclose "the home town and state of residence for all such claimants").

B. Public Interest in Disclosure

Having found that Ms. Doe has a privacy interest in her name, the Court turns to the second part of the RSA 91-A:5, IV analysis. "The public interest that the Right-to-

[4] Ms. Doe does not, for instance, argue that her handwriting is so unique that it would result in her identification. Indeed, Ms. Doe makes no argument regarding the disclosure of her hometown only.

[5] Assuming, for argument's sake, that Ms. Doe has a privacy interest in the nondisclosure of her hometown, it would undoubtedly be a trivial one. Thus, the Court alternatively finds that any minimal privacy interest she has in the nondisclosure of her hometown is outweighed by the public's interest in disclosure under the third part of the privacy exemption analysis.

Know Law was intended to serve concerns informing the citizenry about the activities of their government." Lamy, 152 N.H. at 111 (quotation omitted). Indeed, "the central purpose of the Right-to-Know Law is to ensure that the Government's activities be opened to the sharp eye of public scrutiny, not that information about private citizens that happens to be in the warehouse of the Government be so disclosed." Id. at 113 (quotation and emphases omitted). Put differently, "[t]he purpose of the law is to provide the utmost information to the public about what its government is up to." Id. at 111 (quotation omitted). "If disclosing the information does not serve this purpose, disclosure will not be warranted even though the public may nonetheless prefer, albeit for other reasons, that the information be released." Id. (quotation omitted).

The Commission is a "public body responsible for conducting lotteries within the State and regulating other forms of gaming." (Def.'s Mot. Dismiss at 7.) In 2017, the Commission generated over $300 million in gross revenue and disbursed nearly $220 million in prizes. (Id.) In addition, the profit generated by the Commission is ultimately transferred to the State in order to fund education. (Id.) Ms. Doe does not contest any of these assertions. Where a Right-to-Know request relates to a public body in charge of dispersing funds, the New Hampshire Supreme Court has repeatedly held that "the public has some interest in knowing the amounts and to whom they are paid." Union Leader Corp. v. N.H. Retirement Sys., 162 N.H. 673, 684 (2011). For example, in Union Leader Corp., the supreme court held that disclosure of records related to the recipients of public employees' retirement benefits was required under the Right-to-Know law. Id. The court reasoned that "[t]he public has an interest both in knowing how public funds are spent and in uncovering corruption and error in the administration"

of the New Hampshire Retirement System, which was a public body, administering public funds. Id. Likewise, in Prof'l Firefighters of N.H. v. Local Gov't Ctr., the supreme court held that "[p]ublic access to specific salary information" of employees of a public entity gave "direct insight into the operations of the public body by enabling scrutiny of the wages paid for particular job titles." 159 N.H. 699, 709 (2010); cf. N.H. Right to Life, 169 N.H. at 121 (holding that "any asserted public interest in the names of [Planned Parenthood] employees [was] attenuated" because Planned Parenthood was "a private, non-profit organization, [and] not a governmental entity"). In accordance with Union Leader Corp. and Prof'l Firefighters of N.H., the Court likewise holds that the public has an interest in learning the identity of lottery winners because those winners receive their payments directly from a public entity, and learning the identity of the winners enables scrutiny of those payments. See also Empire Realty Corp., 657 N.Y.S.2d at 507 (acknowledging "that the information [about lottery winners] released by the Division furthers the policies underlying FOIL to ensure government accountability by identifying the disbursement of public funds").

C. Balancing

The Court's "final task is to balance the public interest in disclosure against [ ] the individual's privacy interest in nondisclosure, [ ] bear[ing] in mind that the party resisting disclosure bears a heavy burden to shift the balance toward nondisclosure." Union Leader Corp., 162 N.H. at 684 (citations omitted). In making this determination, the Court notes that the Commission does not dispute that it would have permitted the trustee of a trust to fill in the back of the ticket and claim the winning prize had Ms. Doe not already filled in the back of the ticket. The parties also do not dispute that the

purpose and effect of using a trustee/trust is to allow the real winner of the lottery prize to remain anonymous. Given that lottery winners are lawfully permitted to essentially remain anonymous using this method, the Commission's argument that there is strong public interest in disclosing the identity of the winners to ensure the public that they "are bona fide lottery participants," and "real" winners is simply not persuasive. (Def.'s Mot. Dismiss at 8.) This assertion is weak because a trustee claiming a prize on behalf of an anonymous individual is certainly not a "bona fide" participant and is not the "real" winner of the prize.

Next, the Commission asserts that public knowledge of the name written on the back of the ticket would "help ensure the integrity of the lottery." (Id. at 10.) However, "even if the public may have an interest in how the [the Commission] [disperses lottery winnings], this does not necessarily mean that the identity or other personal information of individual [winners] is relevant to shedding light on [the Commission's] performance of its statutory duties." Abraham & Rose, P.L.C. v. United States, 138 F.3d 1075, 1083 (6th Cir. 1998) (discussing IRS). Indeed, this supposed compelling interest is severely undercut by the availability of the trustee/trust claim process. For instance, suppose that a Commission employee somehow fraudulently created a backdated ticket after the winning numbers had already been selected. Presumably, that employee would know enough to use the trust/trustee process when redeeming the fraudulent ticket, allowing his or her identity to escape public detection. Alternatively, because winning lottery tickets are bearer instruments, this hypothetical employee could simply give the ticket to a third party to collect the winning prize. In either case, learning the name on the back

of the winning ticket would do little in "uncovering corruption and error in the administration" of the lottery. Union Leader Corp., 162 N.H. at 684.

More importantly, "there is absolutely no evidence or any other credible information to suggest that the [Commission] has engaged in any corrupt activity." S.C. Lottery Comm'n, 2015 WL 13685046, at *5; see also N.H. Right to Life, 169 N.H. at 121 (finding that "public interest was speculative and attenuated" where information was sought for a "hypothetical assessment" of government agency) (citation omitted). And, given the structure of the Powerball lottery game, the chance of any corruption or error attributable to the Commission is extremely low in the first instance. That is, while the Commission may technically administer the Powerball lottery in this State, it is, in actuality, run by the Multi-State Lottery Association ("MUSL"). MUSL facilitates the drawing of the winning numbers, and that drawing occurs in Tallahassee, Florida. MUSL and the Commission are also independently audited. To help further guard against corruption, MUSL reveals to the public where winning Powerball tickets are sold, including that Ms. Doe's ticket was sold at Reeds Ferry Market in Merrimack. In addition, as the Commission pointed out at the hearing in opposing Ms. Doe's request for alternative relief, Powerball tickets have a number of security features and a winning ticket must be validated before any payout. These protections and the public availability of the audit reports ensure that the Powerball lottery is "played on the level." (Def.'s Mot. Dismiss at 8.); see S.C. Lottery Comm'n, 2015 WL 13685046, at *5 (finding that any harm in keep lottery winners' identities private was "minimal" where the public could "request information from the [lottery commission] regarding its budget, audits, financial reports, and security procedures"). Finally, the Court notes that the public would also

presumably have access to the front of the ticket displaying the winning numbers, the date of any claim, the amount of the prize, and Ms. Doe's hometown. The availability of this information further diminishes the public's interest in learning the name written on the back of a winning ticket. See id. (holding that "the public's interests are served by the production of" non-personal information regarding winning claims, including: "(1) gross dollar amounts of all such claims; (2) the dates of all such claims; (3) the home town and state of residence for all such claimants; and (4) the game associated with the prize won").

Against this somewhat negligible public interest, the Court must weigh Ms. Doe's strong privacy interest. As discussed above, the Court has no doubts whatsoever that should Ms. Doe's identity be revealed, she will be subject to an alarming amount of harassment, solicitation, and other unwanted communications. Although the Commission dismisses this harassment as trivial and/or speculative, for the Court to do so would require it to ignore the significant media attention this case has received, the numerous documented bad experiences of other lottery winners, as well as the bevy of unsolicited e-mails, phone calls, and in-person visits already directed at Ms. Doe through her attorneys. The Court declines the Commission's request to discount this substantial evidence. Rather, after considering the record and the arguments, the Court finds that Ms. Doe has met her burden of showing that her privacy interest in the nondisclosure of her name outweighs the public's interest in the disclosure of her name. See N.H. Right to Life, 169 N.H. at 121 (where evidence showed that Planned Parenthood employees were frequently harassed, their "privacy interest in nondisclosure" of their identities outweighed "negligible" public interest); cf. Union

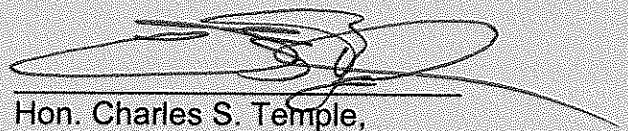
Leader Corp., 162 N.H. at 681 (balance tipped in favor of disclosure of state employees' retirement benefit amounts where claims that those individuals were "targeted by fraudulent solicitations and scams" was "speculative at best given the meager evidence presented in its support"); Mans v. Lebanon Sch. Bd., 112 N.H. 160, 164 (1972) (holding that salaries of public employees were subject to disclosure under Right-to-Know law because the disclosure would not "harm the individual") (citation omitted).

Conclusion

The Court concludes that Ms. Doe has no privacy interest in her hometown and this information must be disclosed pursuant to a Right-to-Know request. The Commission's motion to dismiss as it pertains to this information is therefore GRANTED. The Court also finds that disclosure of Ms. Doe's name "would constitute [an] invasion of privacy" under RSA 91-A:5, IV. This personal information is exempt from disclosure under the Right-to-Know law. Ms. Doe's request for a permanent injunction is thus GRANTED IN PART. The Commission is hereby permanently enjoined from disclosing Ms. Doe's name pursuant to any future Right-to-Know request, or to any other person or entity unless authorized by law. Nothing in this order, however, shall be construed to prevent the Commission or its employees from processing, maintaining, or accessing Ms. Doe's ticket in the normal course of business. Having granted Ms. Doe's primary request for relief in large part, the Court finds it unnecessary to address Ms. Doe's request for alternative relief.

So ordered.

Date: March 12, 2018



Hon. Charles S. Temple,
Presiding Justice