



THE ATTORNEY GENERAL
OF TEXAS

JIM BLATTON
ATTORNEY GENERAL

June 20, 1990

Ms. Mary Ann Courter
Assistant General Counsel
Texas Department of Public Safety
5805 N. Lamar Blvd.
P.O. Box 4087
Austin, Texas 78733-0001

OR90-254

Dear Ms. Courter:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9473.

The Department of Public Safety (DPS) received a request from a DPS employee for copies of all "calculations, forms, and notes" used by interview board members during a promotion process in which he was evaluated. You appear to understand the requestor to ask for completed forms with the scores applicable to him filled in by the evaluators, as well as the test he completed during the evaluation process. You seek to withhold this information from disclosure to the employee under section 3(a)(11) of the Open Records Act.

We have considered the exception you claimed and have reviewed the documents at issue. A previous determination of this office, Open Records Decision No. 538 (1990), a copy of which is enclosed, resolves your request. For this reason, you may withhold the requested information. If, however, the requestor is seeking a copy of a blank evaluation form, that would not be protected from disclosure. As to the availability of a blank test, if the test questions are reused, the test need not be released. See Attorney General Opinion JM-640 (1987); Open Records Decision Nos. 543 (1990); 353 (1982). You may wish to seek clarification from the requestor concerning his request.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a

published open records decision. If you have questions about this ruling, please refer to OR90-254.

Yours very truly,



David A. Newton
Assistant Attorney General
Opinion Committee

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Ref.: ID# 9473

Enclosure: Open Records Decision Nos. 538, 543, 353
Attorney General Opinion JM-640

cc: Mr. Dennis R. Ramsey
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