



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 19, 1998

Ms. Sandra C. Joseph  
Open Records Counsel/Disclosure Officer  
Comptroller of Public Accounts  
111 East 17th Street  
Austin, Texas 78774-0100

OR98-0487

Dear Ms. Joseph:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 112734.

The Comptroller of Public Accounts (the "comptroller") received a request for the following information:

1. the verbal and written questions provided to Mr. Frye and the other candidates;
2. the verbal and written answers provided to the interviewers by each candidate including Mr. Frye;
3. the scores of each candidate including Mr. Frye; and
4. the answers that the interviewers were expecting from the verbal and written parts of the job interview.

You have furnished the requestor with information responsive to item 3; however, you seek to withhold certain information under section 552.122 of the Government Code.<sup>1</sup> We have considered the claimed exception and reviewed the submitted information.

Section 552.122(b) excepts from disclosure test items developed by a licensing agency or governmental body. In Open Records Decision No. 626 (1994), this office

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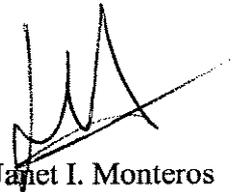
<sup>1</sup>We also note that it does not appear that you argue that a certain provision in the materials is excepted from disclosure and we presume you are releasing that information. We have marked it for your reference.

determined that the term "test item" in section 552.122 includes any standard means by which an individual's or group's knowledge or ability in a particular area is evaluated, but does not encompass evaluations of an employee's overall job performance or suitability. Whether information falls within the section 552.122 exception must be determined on a case-by-case basis. Open Records Decision No. 626 (1994) at 6.

You assert that the disclosure of the questions may reduce the effectiveness of the questions as they will be used in future interviews. A review of the submitted responsive information to items 1, 2, and 4 reveals that it tests the knowledge of tax law or the applicant's knowledge of the proper procedures to use in handling issues that arise in a management position. Therefore, the comptroller may withhold the submitted test questions and model answers under section 552.122(b).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/alg

Ref.: ID# 112734

Enclosures: Submitted documents

cc: Mr. Edward Frye  
Tax Administration Division  
Comptroller of Public Accounts  
111 East 17th Street  
Austin, Texas 78774-0100  
(w/o enclosure)