



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 7, 1998

Mr. Helmut (Hal) Talton  
Associate General Counsel  
Texas Department of Transportation  
125 E. 11<sup>th</sup> Street  
Austin, Texas 78701-2483

OR98-1888

Dear Mr. Talton:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118254.

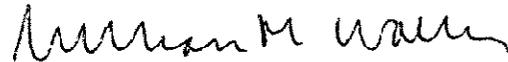
You advise that the Texas Department of Transportation has received a request for information relating to the requestor's application for employment at the department. You say you will release some of the requested information. However, you seek to withhold some of the material responsive to the request -- *i.e.* the department's interview questions and preferred answers, and the answers given by the requestor -- as "test items" under section 552.122(b).

Section 552.122(b) excepts from required disclosure "test items" developed by a licensing agency or governmental body. "Test item" in section 552.122(b) includes any standard means by which an individual's or group's knowledge or ability in particular areas is evaluated, but does not include evaluations of overall job performance or suitability. Open Records Decision No. 626 (1994). A key consideration in the application of section 552.122(b) is whether release of "test items" would compromise future examinations. *Id.* at 5. You say with respect to the information at issue here that the "questions or some form of these questions will be used in filling future job vacancies of this type."

Having reviewed this material, we conclude you may withhold the information pertaining to items 1, 4, 5, 7, 8, 9, 12, and 14 as "test items" under section 552.122(b). The other items in our opinion do not evaluate applicants' knowledge in particular areas and thus do not fall within the section's definition of test items. They must be released in their entirety.

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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



William M. Walker  
Assistant Attorney General  
Open Records Division

WMW/ch

Ref: ID# 118254

Enclosures: Submitted documents

cc: Ms. Billie Dee Stripling  
P.O. Box 151422  
Austin, Texas 78715-1422  
(w/o enclosures)