



March 22, 1999

Ms. Linda Wiegman
Supervising Attorney
Office of General Counsel
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756-3199

OR99-0790

Dear Ms. Wiegman:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 122980.

The Texas Department of Health received a request for information relating to the employee selection process for an Accountant III position in the Fiscal Division - Reconciliation Unit. You state that you have released all of the requested information to the requestor with the exception of the following: the interview questions, the desired responses/answers to the interview questions, and the interviewer's notes. You contend that this information is excepted from disclosure pursuant to section 552.122(b) of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

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 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 at 6 (1994). Traditionally, this office has applied section 552.122 where release of "test items" might compromise the effectiveness of future examinations. *Id.* at 4-5; *see also* Open Records Decision No. 118 (1976).

Having reviewed the submitted documents, we find that they are not "test items" as contemplated by section 552.122(b). Therefore, you must release the documents to the requestor.

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.

Sincerely,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref.: ID# 122980

Enclosures: Submitted documents

cc: Mr. Lane Moore
Department of Health
1100 West 49th Street
Austin, Texas 78756
(w/o enclosures)