



March 31, 1999

Mr. Frank Crull
Associate General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR99-0885

Dear Mr. Crull:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 123064.

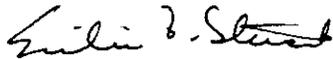
The Department of Public Safety (the "DPS") received a request for a copy of the Texas driver's license written examination. You claim that the requested information is excepted from disclosure under section 552.122 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.122(b) of the Government Code excepts from disclosure a test item developed by a licensing agency or governmental body. "Test item" includes "any standard means by which an individual's or group's knowledge or ability in a particular area is evaluated." Open Records Decision No. 626 at 6 (1994). The written examination evaluates of driver's license applicant's knowledge in particular areas. The Texas driver's license written examination consists entirely of "test items" excepted from disclosure by section 552.122(b). Accordingly, you may withhold the requested information under section 552.122(b) of the Government Code.

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,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS\nc

Ref: ID# 123064

Enclosures: Submitted documents

cc: Ms. Jill Berni Herz
Attorney at Law
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Dallas, Texas 75202
(w/o enclosures)