



July 26, 1999

Mr. Jesus Toscano, Jr.
Administrative Assistant City Attorney
City of Dallas
City Hall
Dallas, Texas 75201

OR99-2097

Dear Mr. Toscano:

You have asked whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 127864.

The City of Dallas received a request for interview records for a particular position. You assert that some of the information at issue is excepted from disclosure under section 552.122 of the Government Code. Representative samples of these records were submitted to this office for review.¹

Section 552.122 excepts from disclosure “[a] test item developed by an educational institution that is funded wholly or in part by state revenue.” In Open Records Decision No. 537 (1990), this office determined that section 552.122 excepts the answer keys of a school district’s exam questions. 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

¹We assume that the “representative sample” of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

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). We have reviewed the information submitted and conclude that section 552.122 is inapplicable to this information. Thus, you must release the information at issue to the requestor.

We are resolving this matter with this 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 may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written in a cursive style.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 127864

Encl: Submitted documents

cc: Ms. Gwen Deramus
Beeper House
6401 Skillman, Suite 201
Dallas, Texas 75231
(w/o enclosures)