



August 20, 1999

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

OR99-2366

Dear Mr. Toscano:

You ask 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# 127170.

The City of Dallas (the "city") received a request for the following:

1. Any and all examination questions (both Test A and Test B) for the police department senior corporal examination given on May 10, 1999;
2. The names of all employees who sat for or submitted answers to the examinations referred to in request No. 1 above; and
3. The answers submitted by all individuals referred to in request No. 2 above; and
4. The names of any and all individuals who reviewed any and all challenges to the May 10, 1999 examination questions and/or answers, and the rank, title and department of those individuals.

You claim that the examination questions are excepted from disclosure under section 552.122 of the Government Code. We assume that you have released the remaining requested information. We have considered the exception you claim and have reviewed the submitted representative sample of information.<sup>1</sup>

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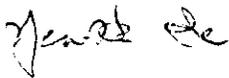
<sup>1</sup>In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

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).

After careful review, we agree that the sampled examination questions are protected "test items" that "measure the skill, knowledge, intelligence, capacities, or aptitudes of an individual" and are a "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). Thus, the city may withhold the examination questions 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.

Sincerely,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/nc

Ref.: ID# 127170

Encl. Submitted documents

cc: Ms. Jane E. Bishkin  
4144 No. Central Expressway, Suite 660  
Dallas, Texas 75204  
(w/o enclosures)