



October 12, 1999

Mr. Leonard W. Peck, Jr.
Assistant General Counsel
Texas Department of Criminal Justice
P.O. Box 4004
Huntsville, Texas 77342

OR99-2902

Dear Mr. Peck:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128019.

The Texas Department of Criminal Justice (the "department") received a request for information related to employment interviews for a specific position. You claim that certain standardized questions and recommended answers are responsive to this request, but are excepted from disclosure under section 552.122 of the Government Code. As you have not raised an exception for other responsive information, we assume that it has been released. You have submitted responsive information for our review.¹ 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). We conclude that the submitted standardized questions and recommended answers evaluate individual's knowledge or ability in a particular area and therefore constitute "test items." Accordingly, you may withhold this information under section 552.122 of the Government Code.

¹We note that the last page of the submitted information is not a "test item" and no other exception has been raised regarding the information on that page. It must therefore be released.

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,

A handwritten signature in black ink, appearing to read "Michael Jay Burns". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 128019

Encl. Submitted documents

cc: Ms. Betty Hodges-Patterson
TDCJ Labor Relations
3009 Highway 30 West
Huntsville, Texas 77340
(w/o enclosures)