



October 12, 1999

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

OR99-2913

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# 129479.

The Texas Department of Criminal Justice received a request for information pertaining to an opening for captain of correctional officers, posting number 033003NA. Specifically, the requestor wants the job application materials submitted by the selected applicant, the "justification" regarding the selected applicant, and interview documentation regarding the selected applicant as well as the requestor. You claim that the interview questions and recommended answers are excepted from disclosure under section 552.122 of the Government Code. We assume that you have released the remaining requested information to the requestor. We have considered the exception you claim and reviewed the submitted information.

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 material, we find that most of the questions qualify as test items and are excepted under section 552.122. However, several of the questions do not concern the applicant's knowledge or ability in a particular area, and therefore must be released. We have marked the portions of the submitted material that must 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 cursive script that reads "E. Joanna Fitzgerald".

E. Joanna Fitzgerald
Assistant Attorney General
Open Records Division

EJF\nc

Ref: ID# 129479

Encl: Submitted documents

cc: Mr. Roberto Barbosa
P.O. Box 1615
Edcouch, Texas 78538
(w/o enclosures)