



October 19, 1999

Ms. Joanne Wright  
Associate General Counsel  
Texas Department of Transportation  
Dewitt C. Greer Sate Highway Bldg.  
125 E. 11<sup>th</sup> Street  
Austin, Texas 78701-2483

OR99-2957

Dear Ms. Wright:

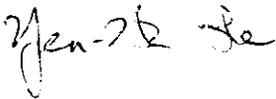
You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128298.

The Texas Department of Transportation (the "department") received a request for the 1) applications of applicants who interviewed for JVN #9-52-M230-003, 2) interview questions, 3) interviewed applicants' answers and interviewers' notes, and 4) preferred answers. You state that you will provide the requestor with "the applications and those questions and answers that evaluate only the applicant's job performance or suitability." However, you claim that the submitted interview questions and answers are test items which are 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) 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). After reviewing the submitted information, we conclude that the submitted interview questions test an individual's or group's knowledge or ability in a particular area. Because the answers tend to reveal the questions, the department may withhold the interview questions and answers 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,

A handwritten signature in black ink, appearing to read "Yen-Ha Le". The signature is written in a cursive style with a large initial "Y" and "L".

Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/nc

Ref.: ID# 128298

Encl. Submitted documents

cc: Ms. Teresa Scott-Tibbs  
13909 Merseyside Drive  
Pflugerville, Texas 78660  
(w/o enclosures)