



November 3, 1999

Ms. Joanne Wright
Associate General Counsel
Texas Department of Transportation
Dewitt C. Greer State Highway Building
125 East 11th Street
Austin, Texas 78701-2483

OR99-3112

Dear Ms. Wright:

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# 128822.

The Texas Department of Transportation received a request for information relating to a job posting. You state that you will release some of the responsive information. You seek, however, to withhold certain interview questions, interviewees' answers, and preferred answers submitted under section 552.122(b). We have considered the exception you claim and have reviewed the submitted information.

Section 552.122 excepts from disclosure test items developed by an educational institution, a licensing agency, or a 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). We have reviewed the records at issue and conclude that you may withhold the interview questions, interviewees' answers, and preferred answers submitted under section 552.122.

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 "Rose-Michel Munguia". The signature is fluid and cursive, with a large initial "R" and "M".

Rose-Michel Munguia
Assistant Attorney General
Open Records Division

RMM/jc

Ref: 128822

Encl. Submitted documents

cc: Ms. Kathy Roberson
9803 Ochiltree Drive
Austin, Texas 78753
(w/o enclosures)