



November 9, 1999

Ms. Joanne Wright
Associate General Counsel
Texas Department of Transportation
125 E. 11th Street
Austin, Texas 78701-2483

OR99-3184

Dear Ms. Wright:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 129320.

The Department of Transportation (the “department”) received a request for information pertaining to a particular job posting. You seek to withhold the “knowledge, skill, and ability” (“KSA”) grading criteria used to screen applicants as well as one interview question with its corresponding answer under section 552.122(b) of the Government Code.

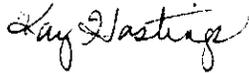
Section 552.122(b) excepts from disclosure “a test item developed by a licensing agency or governmental body.” In Open Records Decision No. 626 (1994), this office determined that the term “test item” in section 552.122 includes any standard means by which an individual’s or group’s knowledge or ability 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 (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 your arguments and the information at issue, we conclude that, based on section 552.122(b), the department may withhold from disclosure the interview question and answer. However, we do not consider the KSA screening criteria submitted in this case to

be "test items" for purposes of section 552.122(b). These criteria do not measure individuals' knowledge or ability in a particular area. Accordingly, the department must release the criteria to the requestor.

We are resolving this matter with this 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 may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Kay H. Hastings
Assistant Attorney General
Open Records Division

KHH/ljp

Ref.: ID# 129320

encl. Submitted documents

cc: Mr. Martin Brown
3517 North Hills Drive #bb101
Austin, Texas 78731
(w/o enclosures)