



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 22, 2009

Mr. Ronald J. Bounds
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2009-15039

Dear Mr. Bounds:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 359280.

The City of Corpus Christi (the "city") received a request for four categories of information pertaining to the city's selection of a Work Coordinator for the Parks and Recreation Department. You state that the city has released a portion of the requested information. You claim that portions of the submitted information are excepted from disclosure under sections 552.117, 552.122, and 552.130 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

Section 552.117(a)(1) of the Government Code excepts from public disclosure the present and former home addresses and telephone numbers, social security numbers, and family member information of current or former officials or employees of a governmental body who timely request that such information be kept confidential under section 552.024. Gov't Code §§ 552.117, .024. Whether a particular piece of information is protected by section 552.117 must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5 (1989). The city may only withhold information under section 552.117(a)(1)

¹We note the city has redacted social security numbers. Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act.

on behalf of current officials or employees who made a request for confidentiality under section 552.024 prior to the date on which the request for this information was made. You state, and provide documentation showing, that the employees whose information you have marked timely elected to keep their information confidential pursuant to section 552.024. Accordingly, we find the city must withhold the information you have marked under section 552.117.

We next turn to your argument under section 552.122 of the Government Code, which excepts from disclosure "a test item developed by a . . . governmental body[.]" Gov't Code § 552.122(b). In Open Records Decision No. 626 (1994), this office determined that the term "test item" 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. *Id.* at 6. Section 552.122 also protects the answers to test questions when the answers might reveal the questions themselves. *See* Attorney General Opinion JM-640 at 3 (1987); Open Records Decision No. 626 at 8 (1994).

You assert the information you have marked is subject to section 552.122. You state that this information, which consists of interview questions and answers, as well as a written exercise and answers, is "intended to display the technical expertise and job-related knowledge of the applicants" and reveals the city's "evaluations of the applicants' specific knowledge pertaining to high level supervisory tasks such as employee salary calculation, [c]ity park location calculations, and budget preparation." Upon review of the submitted information, we agree that the written exercise evaluates the applicants' specific knowledge or ability in a particular area. We also find that the answers to this written exercise would reveal the exercise questions themselves. Accordingly, the city may withhold the written exercise and corresponding answers, which we have marked, under section 552.122(b). However, we find that the interview questions evaluate an applicant's individual abilities, personal opinions, and subjective ability to respond to particular situations, but do not test any specific knowledge of an applicant. *See* Open Records Decision No. 626 at 6 (1994). Upon review, we conclude the interview questions and answers you marked do not constitute test items for purposes of section 552.122, and may not be withheld from disclosure on that basis.

Section 552.130 of the Government Code provides that information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency is excepted from public release. *Id.* § 552.130(a)(1), (2). We agree that the city must withhold the Texas motor vehicle record information you have marked under section 552.130 of the Government Code.

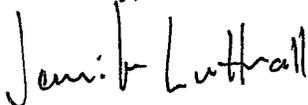
In summary, the city must withhold the information you have marked under section 552.117(a)(1) of the Government Code. The city may withhold the information we have marked under section 552.122(b) of the Government Code. The city must withhold the

information you marked under section 552.130 of the Government Code. The remaining information must be released.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/dls

Ref: ID# 359280

Enc. Submitted documents

c: Requestor
(w/o enclosures)