



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

February 12, 2010

Mr. John J. Janssen
Staff Attorney
Corpus Christi Independent School District
P.O. Box 110
Corpus Christi, Texas 78403-0110

OR2010-02196

Dear Mr. Janssen:

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# 370883.

The Corpus Christi Independent School District (the "district") received a request for the interview documents and score sheets used for all candidates considered for a specified position. You claim the requested information is excepted from disclosure under section 552.122 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Section 552.122(b) of the Government Code excepts from required public 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" 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. *Id.* 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). Section 552.122

¹Although, you initially raised sections 552.101 and 552.111 of the Government Code as exceptions to disclosure of the requested information, you have provided no arguments regarding the applicability of these sections. Since you have not submitted arguments concerning these exceptions, we assume that you no longer urge them. *See* Gov't Code §§ 552.301(b), (e), .302.

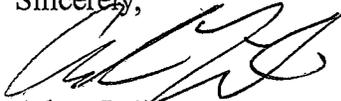
also protects the answers to test questions when the answers might reveal the questions themselves. *See* Attorney General Opinion JM-640 at 3 (1987); ORD 626 at 8.

You seek to withhold the submitted interview questions, answers to those questions, and the candidates' tally sheets under section 552.122 of the Government Code. You state the submitted interview questions and answers "reflect and are the application of [the district]'s standards by which an individual's or group's knowledge or ability in a particular area is evaluated." Further, you argue that release of the information at issue would "compromise the effectiveness of future examinations for the same or similar position." However, upon review, we find the submitted information consists of general questions evaluating an applicant's individual abilities, personal opinions, and subjective ability to respond to particular situations, and does not test any specific knowledge of an applicant. We therefore conclude you have not demonstrated any of the submitted information qualifies as a test item for purposes of section 552.122(b). Accordingly, none of the submitted information may be withheld under section 552.122 of the Government Code. As you raise no further arguments against disclosure of this information, it must be released to the requestor.

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,



Adam Leiber
Assistant Attorney General
Open Records Division

ACL/rl

Ref: ID# 370883

Enc. Submitted documents

c: Requestor
(w/o enclosures)