



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 27, 1995

Ms. Sandra C. Joseph  
Open Records Counsel/Disclosure Officer  
Office of the Comptroller of Public Accounts  
LBJ State Office Building  
111 E. 17th Street  
Austin, Texas 78774

OR95-984

Dear Ms. Joseph:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 31656.

The Comptroller of Public Accounts received a request from an employee for information concerning her interview for a position as a supervisor trainee. You state that you have previously provided the employee copies of her graded essay and the summary scoring page from her oral interview. You contend, however, that portions of the remaining information are excepted from required public disclosure under section 552.122(b) of the Government Code.

Section 552.122(b) excepts test items 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" "generally includes any standard means by which an individual's or group's knowledge or ability in a particular area is evaluated." Open Records Decision No. 626 (1994) at 6.

You claim that "[t]he questions at issue were specifically developed to evaluate an applicant's knowledge and ability in the position for which the applicant is being interviewed." You further explain that the questions have a specific correct answer or a list of alternative answers. The answers are assigned predetermined scores. Finally, you assert that the questions will be used in future interviews.

We have examined the information you submitted for our review. We agree that portions of the submitted documents contain test items excepted from required public disclosure under section 552.122(b). We have marked the information that may be withheld with red brackets. We note that question IV on the document titled WRITTEN EXERCISE does not evaluate an individual's knowledge or ability in a particular area. Question IV and the employee's written response may not be withheld 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 upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "RWS", followed by a stylized flourish or mark.

Robert W. Schmidt  
Assistant Attorney General  
Open Records Division

RWS/LBC/rho

Ref: ID# 31656

Enclosures: Marked documents

cc: Ms. Nedzra Johnson  
(w/o enclosures)