



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 10, 1997

Mr. Scott Fawcett  
Legal Counsel  
Open Records Division  
Comptroller of Public Accounts  
LBJ State Office Building  
111 East 17th Street  
Austin, Texas 78774

OR97-1347

Dear Mr. Fawcett:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 106548.

The Comptroller of Public Accounts (the "Comptroller") received a request for the model answers to questions that were asked of applicants for a revenue processing supervisor position. You have submitted a copy of the requested information to this office for review. You contend that the highlighted questions and answers are excepted from disclosure under section 552.122 of the Government Code.

Section 552.122(b) of the Government Code excepts from disclosure test items 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) at 6.

You indicate that the Comptroller will use the submitted information to evaluate applicants in future interviews. After reviewing the highlighted questions and model answers, we conclude that they test an individual's knowledge of and ability to perform the job of revenue processing supervisor. Therefore, the comptroller may withhold the highlighted information from disclosure 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 regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 106548

Enclosures: Submitted documents

cc: Mr. Gregory Golston  
Revenue Accounting Division  
Comptroller of Public Accounts  
LBJ State Office Building  
111 East 17th Street  
Austin, Texas 78774  
(w/o enclosures)