



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 23, 1998

Ms. Eileen C. Begle
Assistant County Attorney
County of Harris
1001 Preston, Suite 634
Houston, Texas 77002-1891

OR98-0223

Dear Ms. Begle:

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# 112066

The Harris County Sheriff's Department Civil Service Commission (the "commission") received a request for "a copy of question #28 of the 1988/1989 Detective Promotional Exam." You assert that this information is excepted from disclosure under section 552.122(b) of the Government Code. We have considered the exception you claim and reviewed the submitted information.¹

Section 552.122(b) 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. 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). After reviewing the submitted document, we conclude that it is a "test item" and that the commission may withhold this document under section 552.122(b).

¹We note you submitted a copy of test question number 28 from the 1998/1999 Detective Promotional Exam, whereas the requestor asked for this test item from the 1988/1989 exam. Your letter to this office indicates you believe the requestor mistakenly asked for the 1988/1989 exam question. We assume the commission has confirmed this with the requestor and that in fact, the 1998/1999 test question is responsive to the request.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/ch

Ref.: ID# 112066

Enclosures: Submitted documents

cc: Mr. Marty Rocha
Deputy
Harris County Sheriff's Department
1301 Franklin Street
Houston, Texas 77002
(w/o enclosures)