

January 25, 1999



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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JOHN CORNYN
Attorney General

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Ms. Jennifer D. Soldano
Associate General Counsel
Texas Department of Transportation
125 E. 11th Street
Austin, Texas 78701-2483

OR99-0222

Dear Ms. Soldano:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121636.

The Department of Transportation received a request for information related to a particular "job opening." You seek to withhold certain information responsive to the portion of the request asking for "interview questions, responses and scores of the top three candidates." Specifically you seek to withhold "interview questions and responses to nos. 2, 4, and 6" under section 552.122(b) of the Government Code.

Section 552.122(b) excepts from disclosure " a test item 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).

Having reviewed the submitted documents, we conclude that none of the information you wish to withhold constitutes "test items" subject to section 552.122(b). Therefore you must release the requested information in its entirety.

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

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

Yours very truly,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 121636

Enclosures: Submitted documents

cc: Ms. Vickie V. Vitek
651 County Road #139
Hutto, Texas 78634
(w/o enclosures)