

January 28, 1999



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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Mr. Helmut Talton
Assistant General Counsel
Texas Department of Insurance
125 E. 11th Street
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OR99-0261

Dear Mr. Talton:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121781.

The Texas Department of Transportation (the "department") received a request for information concerning the position of Division Director of the Human Resources Division, Job Vacancy Notice No. 8-53-H800-563. You contend that some of the requested information is excepted from disclosure pursuant to sections 552.122 and 552.130 of the Government Code. We have considered the exceptions you claim and have reviewed a representative sample of the documents at issue.¹

The documents at issue contain information about job applicants' driver's licenses. You contend that the applicant's driver's license numbers are excepted from disclosure under section 552.130 of the Government Code. Section 552.130 provides in relevant part:

(a) Information is excepted from the requirement of Section 552.021 if the information relates to:

(1) a motor vehicle operator's or driver's license or permit issued by an agency of this state; [or]

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

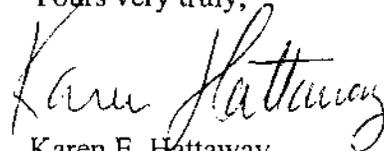
(2) a motor vehicle title or registration issued by an agency of this state[.]

We agree that the driver's license numbers in the submitted documents must be withheld from disclosure under section 552.130. Pursuant to section 552.130 the department must also withhold information about the type and class of driver's license held by an applicant.

You contend that the written interview questions and answers used to screen applicants for the Division Director position are excepted from disclosure under section 552.122 of the Government Code. 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 at 6 (1994). 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). Having reviewed the interview questions and answers, we find that they are not excepted from disclosure under section 552.122(b). Thus, the department must release the interview questions and answers to the requestor.

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 questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 121781

Enclosures: Submitted documents

cc: Mr. Timothy J. Cook
7049 Comanche Trail
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(w/o enclosures)