



April 8, 1999

Ms. Lan P. Nguyen
Assistant City Attorney
Legal Department
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR99-0941

Dear Ms. Nguyen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124472.

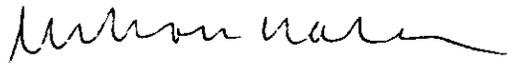
The City of Houston (the "city") received a request for information related to the requestor's application for a job with the city. You indicate that the city has made some of the requested information available to the requestor. You seek to withhold a portion of the requested information, the "interview questions," under section 552.122 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). Traditionally, a factor in this office's application of section 552.122 has been whether release of information claimed as "test items" might compromise the effectiveness of future examinations. *Id.*; *see also* Open Records Decision No. 118 (1976).

You indicate that the city will use the information at issue here to evaluate applicants in future interviews. Having reviewed the submitted documents, we conclude that you may withhold questions 8 and 9 in "Part I", and all of the information in "Part II" of the submitted information as "test items" under section 552.122(b). The rest of the information at issue must be released.

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.

Sincerely,



William Walker
Assistant Attorney General
Open Records Division

WMW/eaf

Ref.: ID# 124472

Encl: Submitted documents

cc: Mr. Darrell Scott
8601 Broadway Blvd., Apt. # 1275
Houston, Texas 77061
(w/o enclosures)