



June 23, 1999

Ms. Jennifer D. Soldano  
Associate General Counsel  
Texas Department of Transportation  
125 East 11<sup>th</sup> Street  
Austin, Texas 78701-2483

OR99-1741

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# 126263.

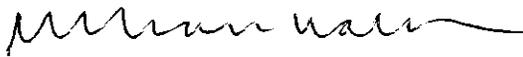
The Department of Transportation received a request for information pertaining to a particular job posting. You seek to withhold "interview questions, preferred answers, and responses" for interview questions "Nos. 1-4, 8, 12, 14 and 18, and the "knowledge, skill, and ability" ("KSA") criteria used to grade applicants, 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). 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 your arguments and the information at issue, we conclude that you may withhold, under section 552.122, all of the interview questions, preferred answers, responses and KSA criteria you seek to withhold with the exception of material pertaining to the portion of question 12 which we have marked. This portion of question 12 and the corresponding preferred answer, responses, and KSA criteria 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# 126263

Encl. Marked documents

cc: Ms. Sue Ermis  
7103 Darcus Cove  
Austin, Texas 78759  
(w/o enclosures)