



July 2, 1999

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

OR99-1851

Dear Ms. Nguyen:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125395.

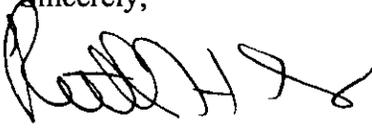
The City of Houston (the “city”) received a request for written interview questions and answers. You assert that the interview questions and answers are excepted from disclosure under section 552.122 of the Government Code. Section 552.122 excepts from disclosure “[a] test item developed by an educational institution that is funded wholly or in part by state revenue.” 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).

We have reviewed the records at issue and conclude that you may withhold questions number 2, 5, and 10, and the corresponding answers, under section 552.122. The remaining information is not protected from disclosure under section 552.122 and 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,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written in a cursive style.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 125395

Encl. Submitted documents

cc: Mr. Ruben Slater
4330 Trafalgar Drive
Houston, Texas 77045
(w/o enclosures)