



July 26, 1999

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

OR99-2093

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# 126048.

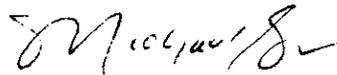
The Department of Transportation (the “department”) received a request for information related to certain interview questions. You state that the requestor will be provided with the interview questions, preferred answers, and answers to questions 2, 5, 6, 9, 11, 12 and 14. You claim that the interview questions, preferred answers, and answers to questions 1,3, 4, 7, 10, 13, 15, and 16 are excepted from disclosure under section 552.022 of the Government Code. You have provided the responsive information to this office for review. We have considered the exception you claim and reviewed the submitted information.

Section 552.122(b) of the Government Code excepts from disclosure a test item developed by a licensing agency or governmental body. “Test item” includes “any standard means by which an individual’s or group’s knowledge or ability in a particular area is evaluated.” Open Records Decision No. 626 at 6 (1994). An evaluation does not necessarily constitute a test, however, simply because it is labeled as a test, because it is comprised of questions and answers, or because it involves some sort of scoring system. *Id.*

We find that items 3, 7, and 13 involve the evaluation of applicants’ knowledge in a particular area. These portions are thus “test items” excepted from disclosure by section 552.122(b). Accordingly, you may withhold this information. We do not consider the balance of the submitted information to be “test items” for purposes of section 552.122(b).

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 "Michael Jay Burns". The signature is fluid and cursive, with a checkmark at the end.

Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 126048

Encl. Submitted documents

cc: Ms. Sharon T. Bowden
3606 Fieldwood Drive
San Angelo, Texas 76904
(w/o enclosures)