



October 4, 1999

Mr. Roland Castaneda
General Counsel
Dallas Area Rapid Transit
P.O. Box 660163
Dallas, Texas 75266-0163

OR99-2808

Dear Mr. Castaneda:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129489.

The Dallas Area Rapid Transit (hereinafter "DART") received a request for a copy of the written questions and answers that were given during an interview and the requestor's score for the interview. You state that DART has released to the requestor the Candidate Selection Summary pages, which are included in the information submitted to our office, and the interview scores. You assert that the remaining requested information is excepted from disclosure under section 552.122 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

The information at issue includes interview questions and answers for candidates for an operations analyst position. 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 agree that, with one exception, the interview questions and answers evaluate the applicant's knowledge in a particular area. Question number 17 does not, in our belief, test the applicant's knowledge of a particular area. Therefore, the submitted information consists of "test items" which are excepted from disclosure by section 552.122(b), with the exception of question number 17, the text of which 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,



Carla Gay Dickson
Assistant Attorney General
Open Records Division

CGD/ch

Ref: ID# 129489

Encl. Submitted documents

cc: Mr. Horatio Johnson
11333 Amanda Lane, # 406
Dallas, Texas 75238
(w/o enclosures)