



October 13, 1999

Mr. Leonard W. Peck, Jr.
Assistant General Counsel
Texas Department of Criminal Justice
P.O. Box 4004
Huntsville, Texas 77342

OR99-2919

Dear Mr. Peck:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129520.

The Texas Department of Criminal Justice ("TDCJ") received a request for information regarding a job posting. You seek to withhold a portion of the responsive information 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, 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).

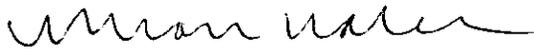
We understand you to seek to withhold only the "questions and recommended answers" in the submitted information. You indicate that TDCJ will use the questions to evaluate applicants in future interviews. Having reviewed the submitted documents, we conclude that you may withhold the questions and recommended answers as "test items" under section 552.122(b).

We note that the information you submitted contains social security numbers. If the numbers are those of a TDCJ employee they must be withheld under section 552.117(3). Otherwise,

social security numbers that were obtained or maintained by a governmental body pursuant to any provision of law, enacted on or after October 1, 1990, are confidential pursuant to section 405(c)(2)(C)(viii) of title 42 of the United States Code.

Except as noted above, the requested information 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/ljp

Ref: ID# 129520

Encl. Submitted documents

cc: Mr. Robert E. Grigsby
27 Jackson Road
Huntsville, Texas 77340
(w/o enclosures)