



November 16, 1999

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

OR99-3279

Dear Mr. Peck:

You have asked whether certain information is subject to required public disclosure under the Public Information Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 128869.

The Texas Department of Criminal Justice (the "department") received a request for "interview documentation forms" concerning a Program Administrator II position identified by posting number 022327GG.<sup>1</sup> In response to the request, you submit to this office for review the information at issue. You claim that the requested information is excepted from disclosure under section 552.122 of the Government Code. We have considered your arguments and claimed exception, and reviewed the submitted information.

Section 552.122(b) excepts from disclosure test items 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 at 6 (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 the submitted material, we find that items 1, 4, 5, and 6 under the "Questions" section of the submitted document and the corresponding "model/ideal answers" qualify as test items, and are excepted under section 552.122. However, items 2, 3, and 7 of the "Questions" section and

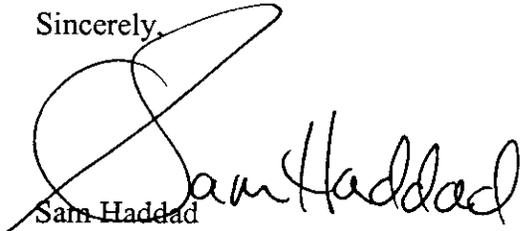
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<sup>1</sup>We assume that you will release other responsive records to the extent they exist, since you have not raised any other exceptions, nor submitted other records.

the corresponding "model/ideal answers", as well as sections II, III, and IV of the document, do not concern the applicant's knowledge or ability in a particular area, and therefore must be released to the requestor.

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 cursive script that reads "Sam Haddad". The signature is written in black ink and is positioned over the typed name "Sam Haddad".

Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/nc

Ref.: ID# 128869

Encl. Submitted documents

cc: Mr. Dicky Marris  
775 Shady Lane  
Jasper, Texas 75951  
(w/o enclosures)