



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 13, 2010

Ms. Margo M. Kaiser  
Staff Attorney  
Open Records Unit  
Texas Workforce Commission  
101 East 15<sup>th</sup> Street  
Austin, Texas 78778

OR2010-06855

Dear Ms. Kaiser:

You ask 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# 379244 (TWC Tracking No. 100212-051).

The Texas Workforce Commission (the "commission") received a request for the skills test answers and grades of the requestor and two other candidates for job posting number 805037EH. You state the commission has released the requested skills test grades to the requestor. You claim the marked portions of the submitted information are excepted from disclosure under section 552.122 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

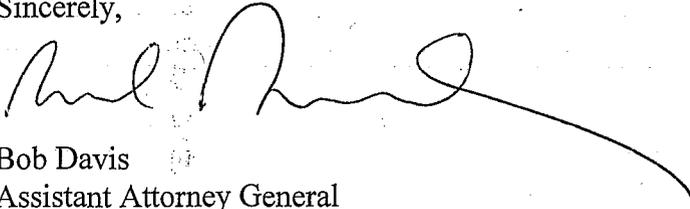
Section 552.122(b) of the Government Code excepts from disclosure test items developed by a licensing agency or governmental body. In Open Records Decision No. 626 (1994), this office determined that the term "test item" in section 552.122 includes any standard means by which an individual's or group's 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. ORD 626 at 6. Section 552.122 also protects the answers to test questions when the answers might reveal the questions themselves. *See* Attorney General Opinion JM-640 at 3 (1987); ORD 626 at 8.

You state the skills test questions and answers you marked are “used [by the commission] to evaluate candidates’ knowledge of [commission] unemployment insurance procedures and protocol, knowledge of the Texas Unemployment Compensation Act and rules implementing it, and ability to handle unemployment insurance claims accurately[.]” Upon review of the submitted information, we agree the submitted questions evaluate commission applicants’ specific knowledge or ability in a particular area. We also find the answers to these questions would reveal the questions themselves. Accordingly, the commission may withhold the questions and corresponding answers you marked under section 552.122(b) of the Government Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Bob Davis  
Assistant Attorney General  
Open Records Division

RSD/eeg

Ref: ID# 379244

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)