



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 25, 2013

Mr. Andrew B. Thompson
Assistant General Counsel
Corpus Christi Independent School District
P.O. Box 110
Corpus Christi, Texas 78403-0110

OR2013-18649

Dear Mr. Thompson:

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# 503913.

The Corpus Christi Independent School District (the "district") received a request for information related to the selection process for a principal's position, including interview questions, score sheets, and interviewer notes. You state the district will release some of the requested information. You claim the submitted information is excepted from disclosure under section 552.122 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted representative sample of information.²

Section 552.122 of the Government Code excepts from disclosure "[a] test item developed by a . . . governmental body[.]" Gov't Code § 552.122(b). 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. ORD 626 at 6. The question of whether specific information

¹Although you also raise section 552.101 of the Government Code, you have provided no arguments explaining how this exception is applicable to the submitted information. Therefore, we assume you no longer assert this exception. *See* Gov't Code §§ 552.301(e)(1)(A), .302. We note section 552.101 does not encompass other exceptions to disclosure under the Act.

²We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

falls within the scope of section 552.122(b) must be determined on a case-by-case basis. *Id.* 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). 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 interview questions “are intended to assess the candidate’s knowledge and ability” regarding the position. You explain the district reuses the interview questions and release of the information would compromise future interviews. You also state release of “the interviewer comments . . . would tend to reveal the questions themselves.”

Upon our review, we find the submitted interview questions qualify as test items under section 552.122(b) of the Government Code. We also find the release of the interviewer’s notes would tend to reveal the questions themselves. Accordingly, the district may withhold the submitted questions and interviewer’s notes under section 552.122 of the Government Code. However, we find the remaining information does not test any specific knowledge of a candidate. Accordingly, we determine that this information does not constitute test items under section 552.122(b) and the district may not withhold the remaining information, which we have marked, on this basis. As you raise no other arguments against disclosure of the remaining information, the district must release it to the requestor.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 503913

Enc. Submitted documents

c: Requestor
(w/o enclosures)