



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 14, 2014

Mr. Jeffrey W. Giles
Assistant City Attorney
City of Houston
P.O. Box 368
Houston, Texas 77001-0368

OR2014-02907

Dear Mr. Giles:

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# 514439 (Houston GC No. 21008).

The City of Houston (the "city") received a request for information related to two specified job vacancies, including interview questions, candidate responses, candidate scores, and scoring criteria. You claim the submitted 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.

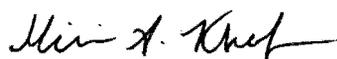
Section 552.122 of the Government Code excepts from disclosure "[a] test item developed by a . . . governmental body[.]" Gov't Code § 522.122(b). In Open Records Decision No. 626 (1994), this office determined that the term "test item" in section 552.122 includes "any standard means by which an individual's or group's knowledge or ability in a particular area is evaluated." ORD 626 at 6. The term "test item" does not encompass evaluations of an employee's overall job performance or suitability. *See id.* at 8. The question of whether specific information falls within the scope of section 552.122(b) must be determined on a case-by-case basis. *Id.* at 6. 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 questions at issue are designed to evaluate and measure applicants' knowledge and expertise in relation to the duties and responsibilities of the positions. You further state the city's Fleet Management Department uses these same or similar questions in its selection of applicants for other positions and release of the questions would compromise future interviews. Having considered your arguments and reviewed the submitted information, we find some of the interview questions qualify as test items under section 552.122(b) of the Government Code. We also find the release of candidates' answers to these questions would tend to reveal the questions themselves. Accordingly, the city may withhold the interview questions and answers we have marked pursuant to section 552.122(b) of the Government Code. However, we find you have failed to demonstrate how the remaining requested information consists of test items under section 552.122(b). Thus, the city may not withhold this information under section 552.122(b) of the Government Code. As you raise no further arguments against disclosure, the city must release the remaining requested information.

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,



Miriam A. Khalifa
Assistant Attorney General
Open Records Division

MAK/akg

Ref: ID# 514439

Enc. Submitted documents

c: Requestor
(w/o enclosures)