



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 30, 2015

Ms. Victoria D. Honey
Assistant City Attorney
City of Fort Worth
1000 Throckmorton Street, Third Floor
Fort Worth, Texas 76102

OR2015-20512

Dear Ms. Honey:

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# 581248 (PIR No. W044111).

The City of Fort Worth (the "city") received a request for interview questions and candidate results for a specified job position. You claim some of 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 public 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 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 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).

You state some of the submitted information constitutes test items. You also state release of the information at issue would be disadvantageous to the selection process and would

jeopardize the effectiveness of future examinations. Upon review, we conclude the interview questions we have marked qualify as test items under section 552.122(b). We also find release of the model answers to these questions would tend to reveal the questions themselves. Therefore, the city may withhold the interview questions and the corresponding model answers we have marked under section 552.122(b) of the Government Code. However, we find the remaining information at issue only evaluates the applicant's general workplace skill, subjective ability to respond to particular situations, and overall suitability for employment. Accordingly, we determine the remaining information at issue does not consist of test items under section 552.122(b) of the Government Code. Therefore, the city may not withhold any of the remaining information at issue under section 552.122 of the Government Code. As you raise no further exceptions against disclosure, the city must release the remaining 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,


Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/dls

Ref: ID# 581248

Enc. Submitted documents

c: Requestor
(w/o enclosures)