



January 14, 2015

Mr. Guillermo Trevino
Assistant City Attorney
City of Fort Worth
1000 Thockmorton Street, Third Floor
Fort Worth, Texas 76102

OR2015-00706

Dear Mr. Trevino:

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# 550985 (PIR No. W038003).

The City of Fort Worth (the "city") received a request for test and interview questions, scores, and panel notes pertaining to any job offer extended to the requestor for a specified period of time. You state you have released some information to the requestor. You claim 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 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 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. *Id.* 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). 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 claim the information you marked is excepted under section 552.122. You state release of the information at issue would reveal the nature of the test questions used in an interview for a position for city accountant. You further state that release of the information at issue would be disadvantageous to the selection process and would jeopardize the effectiveness of future examinations by providing future applicants the ability to prepare specific ways in which to respond. Having considered your arguments and reviewed the submitted information, we find the interview questions you marked qualify as test items under section 552.122(b) of the Government Code. We also find the release of the model answers and the applicant's responses to these questions would tend to reveal the questions themselves. Therefore, pursuant to section 552.122(b) of the Government Code, the city may withhold the questions and the corresponding model answers and applicant's responses you marked. As no further exceptions to disclosure have been raised, 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,



Paige Thompson
Assistant Attorney General
Open Records Division

PT/dls

Ref: ID# 550985

Enc. Submitted documents

c: Requestor
(w/o enclosures)