



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 5, 2019

Ms. Lisa Ruiz
Paralegal
City of Dallas
1500 Marilla, 5DS
Dallas, Texas 75201

OR2019-34246

Dear Ms. Ruiz:

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# 802014 (Ref. No. C008854).

The City of Dallas (the "city") received a request for the interview questions for candidates applying to certain positions during a specified period of time. You claim some 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 representative sample of information.¹

Section 552.122 of the Government Code excepts from disclosure "[a] test item developed by a licensing agency or 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." 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.* 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.

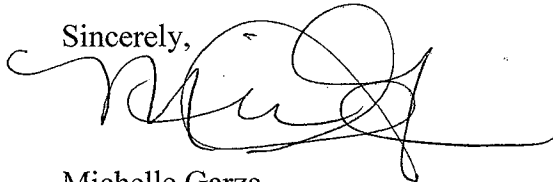
¹This letter ruling assumes that the submitted representative sample of information is truly representative of the requested information as a whole. This ruling does not reach, and therefore does not authorize, the withholding of any other requested information to the extent that the other information is substantially different than that submitted to this office. *See* Gov't Code §§ 552.301(e)(1)(D), .302; Open Records Decision Nos. 499 at 6 (1988), 497 at 4 (1988).

The city seeks to withhold the questions it has marked under section 552.122 of the Government Code. The city asserts the questions test the knowledge and abilities of applicants in a particular area. The city also informs us it uses the submitted questions on a continuing basis. Based on these representations and our review, we find some of the submitted questions are "test items" under section 552.122(b) of the Government Code. Therefore, the city may withhold the questions we marked under section 552.122(b) of the Government Code. However, we find the remaining questions at issue do not evaluate an individual's or group's knowledge or ability in a particular area. Rather, the remaining information at issue are questions that evaluate an applicant's general workplace skill, subjective ability to respond to a particular situation, and overall suitability for employment, and does not test any specific knowledge of the applicant. Accordingly, the city may not withhold any portion of the remaining information under section 552.122 of the Government Code. As no other exceptions to disclosure have been raised for this information, the remaining information must be released.

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Michelle Garza
Assistant Attorney General
Open Records Division

MG/mo

Ref: ID# 802014

Enc. Submitted documents

c: Requestor
(w/o enclosures)