

April 1, 1954

Dr. Morris L. Radoff
State Archivist
Hall of Records
Annapolis, Maryland

Dear Dr. Radoff:

We are in receipt of your letter of March 4, 1954, in which you inquire whether destruction of records may be authorized without regard to statutory retention requirements when such records have been microfilmed in accordance with the standards established by the Hall of Records Commission. We have read with interest the memorandum which you forwarded with your letter.

At the conclusion of your memorandum, the question is re-stated. Briefly, it is whether a microphotograph produced in accordance with the provisions of Section 157(a) of Article 41 of the Annotated Code of Maryland (1951 Edition) is, for the purpose of retention requirements, considered to be a record, thereby permitting the disposal of the original document from which the microphotograph was made. Section 154 of Article 41 of the 1951 Edition of the Code is Section 127A of Chapter 755 of the Laws of 1949. The latter Section was construed in 35 Opinions of the Attorney General 251, at 254, wherein it was said of Section 127A that: "Nothing herein authorizes destruction of the originals in contravention of the express language of Section 127A."

While we are mindful of the increasingly heavy burden of filing and storage of records, it appears that the legislative intent in using the word "original" was to mean the paper writing, and not the microfilm copy, must be preserved.

Very truly yours,

(Signed) EDWARD D. E. ROLLINS
Attorney General

(Signed) CHARLES MCC. MATHIAS, JR.
Asst. Attorney General

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