

Parole and Probation is required to "maintain a record of its actions", but no proviso appears which requires the maintenance of *original* records. In my opinion, the intendment of the law is that a *record* be maintained, but not particularly *the original record*. Accordingly, you may, in accordance with the provisions of Sections 153 through and including 157 of Article 41 of the Code (1951 Edition and 1954 Supplement), arrange with the Hall of Records Commission for appropriate, lawful disposition of your original records after you have completed the proper microfilming thereof.

If you should desire further clarification of our views, I will be happy to furnish the same upon request.

Sincerely yours,  
Norman P. Ramsay  
Assistant Attorney General

NPR-h

October 31, 1955

DR. MORRIS L. RADOFF  
Archivist and Records Administrator  
Hall of Records  
Annapolis, Maryland

DEAR DR. RADOFF:

You have asked that we summarize for you the general effect of the past formal and informal rulings of this office with respect to destruction of original records after the same have been microfilmed by your Department. As you know, this has been a matter of considerable correspondence and discussion.

The basic difficulty which arises in the situation is that the Act of the Legislature, which permits microfilming of records by your Department (Article 41, Sections 152-157, 1951 Code, as amended), contains as a part thereof the requirement that no public record required by statute to be maintained permanently shall be destroyed. The statute likewise forbids the destruction of permanent books of account. The difficulties which have arisen have been occasioned by the fact that where we have found statutory provisions with respect to a State Department which require the maintenance of original records and reports, we have been compelled to advise you that, even though your Department provided for the microfilming of those records, the originals could not be destroyed. We have no option except