

to continue to so advise you, so long as the statute denies the right to destroy original records in any instance where a statutory requirement exists that they be permanently maintained. It was on this basis that our opinion of October 31, 1946 addressed to Dr. Riley of the Health Department proceeded. The records in that case were required to be permanently bound and preserved. Accordingly, we held that they could not be destroyed.

In our opinion of October 30, 1950 addressed to the Police Commissioner of Baltimore City, because the statutory provisions required that the books, journals and other documents of the Commissioner be "always * * * open to inspection", we held that they had to be permanently retained.

Our opinion of June 4, 1953 to Dr. Russell Fisher held that by a statutory provision requiring the retention of original reports and detailed findings of autopsy, the Chief Medical Examiner was required to permanently retain the same. In several other instances, we have ruled that even though the statutory authority existed for microfilming records of particular departments, the originals which had been microfilmed still were required to be retained in the absence of legislative authority to dispose of the same.

We have felt that we must construe statutory enactments which imply that the original records should be retained in favor of permanent retention thereof. We think this is required of us in interpreting a statute which expressly refuses to authorize destruction of records to be maintained permanently and permanent books of account. Only if the statute covering the activities of a State agency or department contains no indication that its records must be retained have we felt free to advise you that proper arrangements for disposition of the same could be made.

Unless the statute is amended to remove therefrom the clause which denies the authority to destroy those records required by statute to be maintained permanently, we must continue to adhere to the course of action heretofore laid down. We can appreciate the problem which is posed by immense accumulations of records. We can also appreciate that it is the intention of your Department to be certain that the originals of all important records are preserved. In the absence of legislative authority which clearly permits the destruction of the originals, however, we will not feel free to advise you that the originals may be destroyed upon microfilming thereof.

I trust that you fully appreciate our position in the matter.

Very truly yours,
Norman P. Ramsey
Deputy Attorney General