

# Legal requirements for microfilming public records

South Carolina Department  
of Archives and History  
Archives and Records  
Management Division

**Introduction** Before embarking on a micrographics project, you should be aware of the legal requirements for microfilm set by the state of South Carolina. While the Archives and Records Management Division can give you advice on records schedules and micrographics applications, the responsibility for meeting all legal requirements rests with you, the government official. This leaflet explains the legal requirements for microfilm and what you must do to comply with those requirements.

**Laws and regulations** The laws and regulations that govern microfilming in South Carolina are set out in the Public Records Act (Sections 30-1-120 and 30-1-130 of the *Code of Laws of South Carolina, 1976*, as amended), the Quality Standards and Practices for the microfilming of Public Records (Regulations 12-200 through 12-203 of the *Code of Laws of South Carolina, 1976*, as amended), and the Uniform Photographic Copies of Business and Public Records as Evidence Act (Section 19-6-610 of the *Code of Laws of South Carolina, 1976*, as amended).

**Legal requirements** Microfilm produced by government officials must meet the following requirements:

- microfilm used to replace original records with a retention period of ten years or more must be silver gelatin film;
- when you replace the original paper document with microfilm, you can use the camera negative film only to produce duplicate copies. Once the duplicates are produced, you must place the camera negative in an off-site storage facility that meets the standards set out in Public Records Information Leaflet Number 11—*Microfilm storage*;
- when you replace the original record with microfilm, the film must meet the quality standards set out in the *Code of Laws of South Carolina, 1976, Regulation 12-200 through 12-203*, and Public Records Information Leaflet Number 6—*Quality testing of microfilm*;
- the records custodian must certify the film as complete and accurate as set out in Public Records Information Leaflet Number 4—*Targeting and Certification of Microfilm*;
- all microfilm must be inspected using guidelines set forth in Public Records Information Leaflet Number 6—*Quality testing of microfilm*.

**Are microfilmed records acceptable in court?**

*The Uniform Photographic Copies of Business and Public Records as Evidence Act* states that properly certified microfilm that accurately reproduces the original record, or facsimiles of such microfilm (when the microfilm exists for inspection), is admissible in evidence in any judicial or administrative proceeding in lieu of the original record.

**Can the original paper documents be destroyed after they are microfilmed?**

Yes. If the records retention schedule allows for the destruction of the paper record, and if the microfilm produced meets all the legal requirements set out above, the original document may be destroyed with written authorization from the director of the South Carolina Department of Archives and History. For the procedures and forms needed to institute a disposition request, see publication entitled "Procedures for the Deposit and Storage of Security

Microfilm.” If the microfilm does not meet the legal requirements, the original documents must be retained until their retention period has expired.

**The government official who has custody of the records is responsible for the microfilm.**

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**For more information**

This leaflet is one of a series of leaflets issued by the Archives and Records Management Division of the South Carolina Department of Archives and History.

The Archives and Records Management Division has statutory responsibility for advising government offices on micrographics. The Archives and Records Management Division also issues publications and gives advice and help on records management and archival administration.

For more information, please contact the South Carolina Department of Archives and History, Archives and Records Management Division, State Record Center, 1919 Blanding Street, Columbia, SC 29201. (803) 734-7914.

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