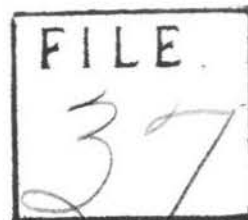


BANKS AND BANKING: Banks must retain original deposit tickets and ledger sheets, and photographs of same are not sufficient under Sec. 7987, R. S. Mo. 1939.

May 27, 1942

Hon. D. R. Harrison  
Commissioner of Finance  
Jefferson City, Missouri



Dear Mr. Harrison:

This is to acknowledge receipt of your letter of recent date in which you request the opinion of this department. Accompanying your letter, you enclose a copy of a letter from a certain bank, which letter is explanatory of your letter and forms the basis of your request for an opinion. We herewith set forth the letters:

"The enclosed copies of letters received from Mr. G. C. Travis, Cashier, Cotton Exchange Bank, Kennett, Missouri, are self-explanatory.

"Will you please let me have your opinion as to whether the practice of returning original deposit slips to customer with monthly statement and cancelled checks, after having recorded the deposit slips on photographic film of the Recordak, would be considered to be in keeping with the provisions of Section 7987, Revised Statutes of Missouri, 1939; also if the practice by a bank of photographing the original (and only) ledger sheet on Recordak film and returning the sheet to the depositor would be in keeping with the banking laws."

"Will you kindly advise us if the practice of returning original deposit slips to the customer with monthly statement and cancelled checks, after having recorded the deposit slip on photographic film of the Recordak would be considered to be in keeping with the provisions of Sec. 7987 of the 1939 Revision of the Banking Laws of the

State of Missouri (R. S. 1929, Sec. 5391).

"We read an article published recently in one of the Bank Journals that one of the leading banks in Texas has instituted this practice of returning deposit slips after having photographed them on Recordak film, and while we are not considering this practice for immediate use, if we decide that it would work to the advantage of the bank and the customer we may do so, if not in conflict with the Banking Laws. "

From these letters, we understand the question to be as follows: "Whether banks may return to the customer of the the bank the original deposit slips and original ledger sheets showing the depositor's account with the bank after both have been photographed on the Recordak film." We understand that since the advent of photography of instruments, many banks have adopted the plan of photographing checks given by a customer on the bank and passing through same so that the bank may have a record of the transaction. Also, some banks, we understand, photograph many other records of the bank, including deposit slips, all for the further protection of the bank and the customers. The answer to your question is found in Section 7987, R. S. Mo. 1939, which provides as follows:

"Every bank shall preserve all its records of final entry, including cards used under the card system and deposit tickets, for a period of at least six years from the date of making the same or from the date of the last entry thereon."

The statute quoted above is mandatory and requires that the bank preserve all of its records of final entry, including cards used under the card system and deposit slips, for a period of at least six years. We do not think that the method of photographing the deposit tickets and ledger sheets outlined in your letter is a compliance with Sections 7987, supra, which requires the preservation of the records of final

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entry and deposit tickets, for the reason that when the bank delivers to the customer the ledger sheets and deposit slips aforementioned, and retains for its own records the photographic film, it would not, thereby, have in its possession the original deposit slips and ledger sheets. Of course, there can be no objection to the bank safeguarding its own interests and the interests of its customers by the Recordak film method, outlined above, however, we think the statute requires the preservation of the original records in addition thereto.

CONCLUSION

It is, therefore, the conclusion of the department that the method of photographing the deposit slips and original ledger sheets on Recordak film and returning the original deposit slips and ledger sheets to the customer, is not a compliance with the mandatory provisions of Section 7937, supra.

Respectfully submitted,

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Assistant Attorney General

APPROVED:

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ROY McKITTRICK  
Attorney General

CRH:NS