

Planning Your Digital Estate

Jennifer Hunter and Alex Elswick, Family Sciences

Have you ever wondered what happens to your digital property after you pass away? Who will have access to online bank accounts, email accounts, or even social media accounts? Are these accounts deactivated? Do they disappear? Do they exist in the cloud forever? Who will have control over what happens to them?

The answers to these questions lie in the domain of digital estate planning. In the past, estate planning has involved writing a will, designating an executor to finalize your affairs, and passing along your possessions. Typically, paper documents would be compiled and stored in a safe place such as a locked desk drawer or filed with an attorney.

In the modern age of technology, however, estate planning is becoming ever more complicated. With so much vital information stored online, the nature of estate planning has changed. Although you may still have many important documents in paper format, it is likely that much of your financial documents are digitized. It may seem obvious that important digital information such as online bank accounts should be addressed in estate planning, but other kinds of digital assets such as social media accounts, text messages, or even pictures stored in the cloud may have sentimental value for your loved ones. Email accounts and online retail accounts may house critical personal information that you may wish securely kept. Unfortunately, planning for these kinds of assets is typically neglected by individuals and their advisors. In order to ensure the safety and security of this kind of digital information, you will want to create a digital estate plan.



How can a digital estate plan help my family and me?

A digital estate plan can serve a number of important functions:

- It helps determine if any of your digital property has monetary value.
- It enables loved ones to locate and access important digital information.
- It may help clarify disputes regarding a final will and testament.
- It protects you and your family from online identity theft.
- It simplifies the transitions for surviving family members.

Since digital estate planning is a relatively new concept, there are few laws governing what should happen with your loved one's digital assets. The existing legal structure for our digital lives was passed in 1986. Since then, limited legislation has been introduced to govern our digital property. Therefore, it is up to you to take measures to protect your digital estate.

Having a digital estate plan will ensure safe transfer of online assets, prevent theft of identity or assets, protect personal information, and make the transition easier on family members.

Taking Inventory of Your Digital Assets

In order to begin making a digital estate plan, you will first want to take inventory of all of your digital assets. Your digital assets could include any of the following:

- Social media accounts
- Websites you own
- Online bank, credit card, or insurance accounts
- Online bill pay
- Email accounts
- Online retail accounts
- Stored pictures, music, or other media files
- Online payment mediums (i.e. Paypal, Apple Pay, Google Wallet, etc.)

Use the table below to inventory all of the digital assets that come to mind. You may leave the fourth column labeled "Instructions" blank until the final step in which you write your digital estate plan. It is imperative that this information be continually updated to guarantee that your digital executor can access all your accounts.

Storing Your Inventory

Since your inventory will contain important personal information, you don't want it falling into the wrong hands. The next step is to find a secure place to store your inventory. You could store your inventory in a safety deposit box, with an attorney, or with a trusted family member. Also, a number of online services have

been created specifically designed to secure your digital estate, examples may include PasswordBox, Password-Safe, or SecureSafe. Some other sites, such as Google for example, have an automated system for deleting digital information. When this feature is activated on Google, you have the ability to select people who will be notified when the account has been closed. If the people you have selected indicate that you have passed away, Google will automatically carry out your instructions concerning your account.

Designating a Digital Executor

Your digital executor will be responsible for carrying out your digital estate plan. Since your digital executor will be handling such private information, you will want to ensure that the person you select is both responsible and capable of navigating technology. You can name your digital executor in your will and give them Power of Attorney over your digital estate. You can include your digital estate plan as a part of your will, but do not include usernames and passwords. Your will becomes public record after it enters probate and you certainly do not want usernames and passwords to become public information. Just ensure that your digital executor is aware of the secure location in which you have planned to keep your digital inventory.

Digital Assets	Location	Passwords or Essential Info	Instructions
i.e. Email account	John.Smith@email.com	Password12345	Delete account

Writing Your Digital Estate Plan

Once you've taken stock of all your online assets, ensured their proper storage, and identified an executor to oversee your digital assets, the final step is to actually write out your digital estate plan. Your instructions should be written clearly so as to eliminate any confusion regarding your final wishes. Create a list of instructions for each digital asset. You may use the fourth column of your inventory table to list these instructions, but you will also want to write them out more explicitly. Be as detailed as necessary to ensure that your loved ones have what they need to carry out your instructions.

Be Aware of Terms and Conditions

As of 2017, 81 percent of the U.S. population actively used some sort of social media platform. And yet, social media accounts are easily neglected in the process of planning your digital estate. You may want to review the terms of service for your social media accounts, email accounts, YouTube accounts, etc. Each of these sites may have a different protocol for when a member has passed away. Below are the existing terms of service for a few popular social media sites:

Facebook

Facebook allows families to either memorialize an account or to close it. The terms of service dictate that accounts are non-transferable; thus, families must rely on a username and password in order to access account information. Facebook has gone to court and defended its right not to release passwords to family members based on the Stored Communications Act of 1986.

Google

As referenced earlier, Google has a function called "Inactive Account Manager" that allows users to pre-terminate what they wish to happen once their account has been inactive for a set amount of time. Users can choose the period of inactivity allotted and can have a text message sent to their phone to double check that the account is inactive. Perhaps most importantly, users can craft an email that will be sent to the beneficiary (probably a digital executor) when the account becomes inactive.

Twitter

Twitter requires a much more demanding process to access the account of a deceased family member. Families must produce their loved one's username, death certificate, government-issued identification, and a signed statement from the executor providing the action requested on behalf of the deceased family member.

As new technologies emerge, digital estate planning promises to get even more complicated. Nevertheless, having a digital estate plan will ensure safe transfer of online assets, prevent theft of identity or assets, protect personal information, and make the transition easier on family members. You will want to periodically research state/federal laws concerning digital assets as well as the terms of service of each of your online accounts to better protect your online assets.

References

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