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Planning Your Digital Afterlife

by Leena Ketkar

As our daily lives become more entrenched in the digital world, it is increasingly important to plan for the disposition of your digital assets. First, taking a step back, what are digital assets and digital accounts? A digital asset is almost any type of file — including emails, documents, photographs and audio — stored on an electronic communication device (e.g., laptops, tablets, smartphones). Digital accounts include email accounts, software licenses, social network accounts and tax preparation software, to name a few.

While disposing of social media accounts and your iTunes library may seem trivial, planning for the disposition of digital photographs, financial accounts and e-commerce accounts is important. The more pressing question is how you safely pass on these digital assets and accounts.

Legislatures have been slow to respond, and legislation pending in many states could adequately address fiduciary access to digital assets. Federal law does not address fiduciary access to digital assets. In 2014, the Delaware Legislature first responded to such issues by passing laws that allow trustees full access to a decedent's online accounts as well as digital assets. In Pennsylvania, two pieces of legislation were introduced in 2015 to address these issues; they are both still pending. Both pieces of legislation would allow fiduciaries (e.g., guardians, agents, personal representatives) access to digital assets.

Tech companies have even started to respond to such digital issues on their own. For example, Facebook allows you to add to your account a “legacy contact,” a person who will be granted access to your account upon providing Facebook with proper verification of your death. Google created an “Inactive Account Manager,” which you can customize to direct where you would like your messages, photos, videos, etc., to go upon your death. More and more companies are beginning to address these issues, but in the meantime ...

What can you do now?

1. Compile a list of all your digital accounts and assets. This would include hardware (CDs, DVDs, USB flash drives, iPods), social media accounts, and online banking, e-commerce and investment accounts. Remember, with investment and banking accounts, if you do not receive paper statements, it may be difficult for your executor to locate all these assets.

2. Determine the value of your digital assets. Beyond online investment and banking accounts, other digital accounts may have substantial value. For example, your Amazon account may have money stored, or you may be receiving income from licensing your online cooking videos.
3. Provide access to such accounts, if possible. Many companies online already have the structure in place for you to designate a beneficiary at your death or even to have your account deleted upon your death. However, to utilize these features, you must take affirmative action.
4. Update your will to include the disposition of digital assets, just as you would with tangible personal property. This provision in your will is a good starting place for your executor to know exactly where you want your digital assets to go.



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5. Consider online storage, such as [SecureSafe](#) or [Legacy Locker](#), to help you store and organize your passwords. Such websites store all your digital account passwords and access information and allow you to designate a beneficiary (or beneficiaries) to receive the information upon your death or incapacitation.

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