



Preparing for Your Digital Afterlife Is Now A Thing

As a sign of modern times, there is now a growing industry around the issue of what happens to your “digital life” after you die. People spend years and years and countless hours engaged in and contributing to social media. Most of a person’s entire life can be put online in some form. But now, when a person dies, their digital life and digital assets don’t have to die with them.

Digital Estate Planning

Most estate planning sessions address what to do with your physical assets such as cash, homes and property, investments, vehicles, personal household items and heirloom-type things such as jewelry, gun collections and such. Some people even have to plan for the inheritance of intangible assets like intellectual property (copyrights, patents, trademarks, goodwill, brands). Experienced estate planning attorneys must now help their clients make plans for digital “assets” that are less traditional. Here are but a few examples:

- All digital based devices such as computers, tablets, smart phones, hard drives, and flash drives. Basically, anything that contains digital information that might be of value to the client or his/her loved ones.
- Digital communications such as servers containing email, social media messaging services, and cloud-based email services;
- Reward programs such as “cash back” credit card rewards and hotel/airline miles accounts;
- Digitally based music, photographs, and video collections;
- Valuable databases such as customer accounts, marketing lists, and contact information;
- Cryptocurrencies such as Bitcoin, Litecoin, and Ethereum, to name just a few.

Should you plan for the continuation of your social media life?

Almost everyone these days engages with social media in some form. For example, 2.7 billion people currently use Facebook. Of that number, approximately 30 million accounts belong to dead people and for every minute that passes, 3 Facebook users die. If the World death rate stays constant, there will be more dead people on Facebook than live ones by the year 2060.

The question most people should ask themselves is what should happen to their “digital life” after they die? Also, who should control those decisions?

Most social media companies have different policies relating what happens to an account at the death of the account holder. One simple option is to just give someone you trust all of your passwords and login information for all of your computers and smart-phones, email accounts, social media accounts, online cloud services, or any other place where you store data. But, with this option, you would have to trust the person to know exactly what you want to happen with each batch of data or things. Also, each social media company has different rules as to what will happen to your account and data after you die. Here are just a few examples:

- **Facebook:** Facebook allows you to designate a legacy contact that has the power to create posts, delete posts, approve of or remove tags, respond to new friend requests, add photos, change the profile picture, and shut down the account, among many other options.
- **Twitter:** Twitter does not allow someone to have access to your account like Facebook does. However, Twitter will allow a designated person to shut down the account, losing all of the data.
- **GMail:** Google will allow an executor or a next of kin to have access to your Google email. That person will be able to have full access to your account (read every email) as well as request that the account be deleted. Otherwise, the account will stay open and active forever.
- **Instagram:** After your death, your Instagram account cannot be changed in any way, even by an executor or next of kin. This includes changes to likes, followers, tags, posts and comments. Only verified immediate family members are able to make a request for removal of the account. Otherwise, the account will stay open and active forever.

How to Protect Your Digital Assets

When planning for your digital afterlife and the giving away of your digital assets, there are steps that you can take to help create a Digital Estate Plan.

1. **Inventory.** First, think about all of your online activity and all of the places where you interact with the digital world– all of the computers and smart-phones, email accounts, social media accounts, wherever pictures/videos are stored, online bill paying, online checking/savings/investment accounts, copyrighted material, trademarks, websites, blogs, video game accounts, shopping accounts, hard drives, cloud accounts, flash drives, digital cameras, data storage cards, etc. Create an inventory (list) of all of these items, their locations, account numbers, log-in information, and passwords.
2. **Your wishes:** Designate a digital executor or fiduciary for your digital assets and accounts and tell that person what you want to happen to each item on your inventory list. Do you want certain accounts shut down and certain accounts put in memorialization status so people can continue to interact with the account? List who you want to receive digital assets of monetary value as well as digital assets of personal value. You may want some digital assets erased, some kept intact for posterity, and some assets transferred to others (if possible).

Pennsylvania, as with many other states, has in September 2020 enacted legislation that specifically deals with digital assets. This law allows your executor, trustee, or power of attorney to have access to your various online accounts and assets after you die, regardless of the “terms of service” rules the company might have. If you are executing a General Durable Power of Attorney after this date, it is important that your document refer to the scope of authority you are giving to your agent as to these assets.

The Digital Afterlife Industry

There is a growing industry surrounding what to do with people’s digital life after they die. Here are but a few companies and what they specialize in:

- **AssetLock:** Similar to a safety deposit box, but everything is uploaded to cloud storage (files, pictures, passwords, etc.,) to be released with instructions to an authorized agent upon your death.
- **Eternity Message:** This company sends pre-written emails to people (loved ones and not so loved ones) at chosen times after your death.



- **LifeNaut:** This company allows you to submit and store your DNA for future use.
- **The Voice Library:** Allows people to record and save themselves speaking and then sharing it.

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