

amazing insights

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Fatebook: Control of Electronic Data and Social Media Sites When You Are Gone

As 2017 draws to a close, you may be thinking about goals and resolutions for the coming year. Estate planning may not always be top of mind when it comes to a New Year resolution, but it's important to consider it a priority, particularly for same sex couples (especially ones who are not married) and as our lives become more complicated and increasingly digital. We've written before about specific concerns for same sex couples to consider in planning their estates, but one emerging trend is how to deal with the "digital assets" one has. It seems members of the LGBTQ community may be even more digitally connected than the general population, making this issue all the more important to us.

Did you know digital assets now account for a significant part of an individual's estate? They consist of digital media rights that can be inherited. Digital estates can include data stored on cell phones and laptops, banking and investment accounts, music purchases from iTunes and apps like Spotify, email accounts, and even audiobook collections. Passwords, encryption software, computer crime regulations, and data privacy laws can make it nearly impossible for a loved one or executor to access these assets after your death. Planning ahead can help to make an inherently difficult situation a little bit easier.

Here are some useful tips to help you when planning your estate in the digital age.

- **Make an inventory and a secure list of passwords for digital/online accounts.** Make a list of your online accounts, so your loved ones know what you have and where to find it. Be sure to include usernames and passwords for all of your electronic devices; insurance plans; and bank, utility, email, and other significant online accounts you use. (Yes, Grindr, Scruff, GirlfriendsMeet and the like all fall within this category.) Having access to a username/password makes it much easier for an heir to access these programs, and allows them to print out hard copies of financial records and statements

in case the account later gets deleted. In addition to banking, you should also include things like airline and hotel reward programs, photo-sharing websites, etc. Once you have a full inventory of accounts and passwords, store them in a locked file cabinet or home safe.

- **Consolidate your accounts.** Some accounts can be consolidated. Combining financial accounts not only makes them easier to keep track of, but can also make it easier for your loved ones to find information after you're gone. If you insist on having multiple accounts across different banks, make sure the individual account information is listed as part of your inventory.

- **Make a list of bills that are paid online.** Not having access to the deceased's online accounts could mean bills that are normally paid online go unpaid. The estate is responsible for existing debt, so missing payments could cause a huge headache for your beneficiaries. This also can prevent recurring bills that may be set to "auto-pay" from continuing to be paid after the service is no longer needed, such as newspaper and magazine subscriptions.

- **Provide instructions for social media and email accounts.** Somebody will have to make decisions regarding what to do about your profiles on Facebook, Twitter, Instagram, etc. Facebook allows an option to report a user's death or setup a memorial page, while Twitter can either be shut down or given to somebody else to take over. Consider who you are connected with on social media before making any decisions. You may be friends with people who would only know something happened to you via social media. Then, write down what your preferences are going forward. They will need your login and password to delete accounts.

- **Provide access and instructions for sentimental family assets.** Digital photography and videos allow for the simplicity of access for everyone. Instead of fighting over who gets the photo of Mom and Dad on their 40th anniversary, a simple fix is to set up a family photo-sharing site. Websites like Shutterfly and Photobucket allow users to upload photos that can be viewed by everyone who has login information. Photos can then be ordered as hard copies right from the website.

- **Beware of fraud.** After a loved one passes and you've been able to access the information necessary, make sure you shut down and close accounts for security reasons. Prevent identity theft and fraud by notifying credit card companies and other lenders that the person has died. The company will then report the status to the credit-reporting companies and it will become part of their file. If the deceased was receiving Social Security benefits, the SSA should also be notified.

- **Provide consent in legal documents.** Work with an estate-planning attorney to update your wills and powers of attorney. Make sure you give lawful consent for providers to give the contents of your electronic communications to the appropriate people.

As digital assets change, the laws surrounding them are changing as well. Talk with a Burns & Levinson attorney about what steps you can take to ensure your digital assets are properly inherited.

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