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# What happens to your digital life after death?

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What happens to your digital life after you die? It's a question not many consider given how embedded the internet is in their lives. The typical web user has 25 online accounts, ranging from email to social media profiles and bank accounts, according to a [2007 study from Microsoft](#). But families, companies and legislators are just starting to sort out who owns and has access to these accounts after someone has died.

The issue came up recently in Virginia, when a couple, seeking answers after their son's suicide, realized they couldn't access his [Facebook account](#). Now Virginia is one of a growing number of states that have passed laws governing the digital accounts of the deceased. Meanwhile, technology companies are forming their own policies regarding deceased users. While still in the early stages, the laws and policies taking shape so far indicate that designating one's "digital assets" may soon become a critical part of estate planning.

The implications are widespread, considering that today [nearly all American adults are online](#) and 72% of them, along with 81% of teenagers, use social media sites. In the digital world, posting photos, drafting emails or making purchases are activities that don't solely belong to users. They belong, in part, to companies like Facebook and Google that store information on their servers. In order to access these convenient online tools, users enter into agreements when they click on — but often don't read — terms-of-service agreements.

Policies surrounding death vary among some of the internet's most prominent companies:

- Twitter will [deactivate an account](#) upon the request of an estate executor or a verified immediate family member once a copy of a death certificate and other pertinent information is provided.

- Facebook has two options. First, the site enables profiles to be turned into **memorials**. The account is locked, but other users can still interact with the deceased's profile by posting comments, photos and links. The other option is to **remove the account**, upon special request by an immediate family member or executor.
- Google has recently established a new feature called "**inactive account manager**," which prompts users to decide the fate of their accounts should they die. If the account user does not make a selection, Google's policies are pretty strict. It **warns** survivors that obtaining access to a deceased person's email account will be possible only "in rare cases."

Wading through different policies for every account can be difficult, especially since most people do not designate someone to take care of their digital accounts in case of death. The issue is further complicated depending on the state. Along with **Virginia**, **six other states** have laws governing access to the digital assets of the deceased – **Connecticut**, **Rhode Island**, **Indiana**, **Oklahoma**, **Idaho** and **Nevada**.

Most of these states require "custodians" of information (that is, online service providers like Facebook or Google) to provide access to the online accounts upon receipt of a written request by an appointed executor or personal representative of the deceased. Virginia is the only state law to specifically address minors, while Nevada's law authorizes a personal representative only to request termination of an account.

Some state laws are more limited than others, especially when it comes to social media. Connecticut and Rhode Island, for example, have laws that only apply to email service providers. Oklahoma and Idaho also include social networking sites and other microblogging accounts, while Indiana takes a broad approach by defining a custodian as "anyone who stores documents or information electronically of another person."

Efforts are also underway to unify the patchwork state laws. The Uniform Law Commission (ULC), a body of lawyers that composes uniform legislation for state adoption, has **drafted legislation** that, if adopted by states, would grant an appointed designee broad access and control to a deceased person's "digital property."

There are, however, two major stipulations. First, the designee must be explicitly authorized to access or control digital property. Second, the designee would be the only person allowed to access the digital accounts – not other potentially interested, but unauthorized, parties such as parents, friends or relatives.

It's worth noting that neither state laws nor the proposed uniform legislation address what should happen if someone has not been formally appointed to manage the online assets, such as in a will. In addition, the legal system has not yet addressed complications that can arise for minors, who often sign up for online accounts without realizing they are agreeing to certain terms of service. In some cases, minors may not be honest about their age.

Until the legal procedures are made clear **experts are advising people** to treat their digital assets as they would any other asset. They recommend that users appoint someone to be in control, make a list of accounts and passwords, and give clear instructions on how to handle each individual account.