

Your Online World After Death

By Laurie Hart



We live in a high-tech, online world. We bank, buy, sell, play, work, blog and Tweet online. Some seem to live their entire life online. So what happens to your online world when you die? Will your online bill pay account keep automatically making your house payment every month? Do you have the right to access your spouse's e-mail or Facebook account to let friends know of his or her death? Can you bequeath your iTunes account to your best friend? These are interesting questions that highlight interesting problems.

The first problem is that most of us don't keep a list of our online accounts. Second, since we are supposed to keep our passwords private, even if our loved ones know about all of our online accounts, they probably can't access them. Third, even if we have given our loved ones a list of our online accounts and our passwords before we die, legally they may not be able to access them after our death. Finally, do we really want our loved ones to be able to access some or all of our online accounts, especially e-mail, when we are gone?

Jeremy Toeman thinks he has the answer to these problems. After his grandmother died, Toeman tried to gain access to her Hotmail account in order to let her friends know she had passed. He finally gave up trying because of the hassle he received from Hotmail. So Toeman created Legacy Locker, an online service that lets users, for a fee, grant access to online assets to friends and loved ones in the event of loss, death or disability. But is this really the answer?

What if Legacy Locker goes out of business? More importantly, most online accounts are governed by a "terms of use" policy. Some of these strictly forbid users from sharing their password and transferring their account. Facebook's "statement of rights and responsibilities" reads that "(Y)ou will not share your password, let anyone else access your account, or do anything else that might jeopardize the security of your account." It also forbids users from transferring their account to anyone "without first getting (Facebook's) written permission." MySpace has similar restrictions. Which has ultimate control — Legacy Locker or the online account? What about terms of use that say nothing about sharing passwords or transferring ownership of accounts upon death?

Our online world is expanding so quickly that the law has not kept up. It is unclear whether online accounts, including passwords, are assets that can be given to someone upon death through a will or a virtual will such as Legacy Locker, or are simply contractual

relationships controlled by their terms of use. There are also privacy issues to consider.

Until the law catches up to the online world, here are some commonsense tips.

1. Keep a list of your online accounts and the domain names you own and let someone know where it is. Advise your loved ones to do the same.

2. Read the terms of service for accounts you have set up or are trying to access after a death so you know what to expect.

3. If a loved one dies, immediately notify the service provider of their critical online accounts like banking, PayPal and eBay. You will probably need to provide a copy of their death certificate. You may not be able to legally access their accounts after they die, but by notifying the service providers, no one else will be able to either. You can also make sure that automatic payments, like online bill pay, are stopped.

4. If a deceased loved one was having his or her Social Security checks directly deposited in a bank account, notify the bank and Social Security office. Social Security payments made after a recipient dies must be returned.

5. Remember that even if you have your loved one's permission to use his or her online accounts while he or she is alive, that permission is automatically revoked when he or she dies. If you continue to access online accounts after a loved one's death, especially online banking accounts on which you are not a co-signer, you may be committing a crime.

6. Let your loved ones know if you want your Facebook or MySpace profile kept online after you die or if you want it taken down. This can help prevent disagreements between family members.

7. E-mail online companies that do not have terms of use policies regarding your account after death and ask them to add in terms that deal with this eventuality. ☺

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