

Granting a Fiduciary Access to Digital Accounts

By Michelle Chapin

As we become more technologically connected, a significant problem that those of us with online accounts will face upon death or disability is that no one can manage or access our online accounts. Facebook, Google, and the Maryland and Virginia lawmakers have taken steps to address these issues.

Facebook recently announced that it will allow its users to designate a “legacy contact” to manage the account upon the user’s death. Alternatively, the user can request that Facebook delete the account upon the user’s death. Facebook, which has the difficult responsibility of balancing the deceased user’s right to privacy against the requests of grieving family and friends, introduced the legacy contact as a way to allow the Facebook user to determine the access he or she would like to provide to others to his or her Facebook page upon death.

The legacy contact may access certain features but will not have unfettered access to the user’s entire Facebook account. For example, the legacy contact can change the deceased user’s profile picture and cover photo, write a special memorial post that will remain at the top of the user’s timeline, and accept friend requests from individuals who were not previously connected to the user. The legacy contact may also download the deceased user’s pictures if the user opts to give the legacy contact this access. Memorialized profiles will now reveal the word “Remembering” above the deceased user’s name. In an effort to maintain privacy, the legacy contact will not have access to the deceased user’s private Facebook messages nor may the legacy contact remove any photos or posts on the deceased user’s page.

To activate a legacy contact, go to Settings, Security and choose Legacy Contact. Currently, you may only name a legacy contact who is a Facebook friend of yours.

Google, through its Inactive Account Manager, authorizes its users to name a contact who will receive notice when the user’s Google account is inactive for a certain period of time. Depending on the amount of access the user grants to the Google contact, the Google contact may receive access to the inactive user’s Picasa Web Albums, Google Mail, Blogger, Drive and YouTube accounts.

Maryland legislators have introduced a bill which would give a fiduciary access to a user’s digital accounts on the user’s death or disability. The Virginia legislature passed a bill in 2014 authorizing fiduciaries access to digital accounts of a deceased minor, but a bill codifying the Uniform Fiduciary Access to Digital Assets Act failed to pass in February of 2015.