



iwill or iwon't

MSK Client Alert

December 29, 2016

Ever wondered what will happen to your Facebook page when you die? The California Legislature has recently weighed in. Effective as of January 1, 2017, California will have its first law to specifically address the handling of your "digital assets" after your death. The Revised Fiduciary Access to Digital Assets Act will determine who, if anyone, can access your digital assets, such as social media accounts, online gaming accounts and music accounts after your death. Under the new law, the custodian of digital assets – such as Facebook, Google, or Apple – must provide a fiduciary access to a deceased individual's digital assets as the decedent previously directed. The Act sets up a three-tiered approach, which works as follows:

1. An individual may use an "online tool to direct the custodian to disclose to a designated recipient, or not disclose, some or all of the user's digital assets." The online tool will override any instructions in an individual's will, trust, power of attorney, or other record. Some such tools already exist, such as Google's "Inactive Account Manager."

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